

of Immigration relating to amendments to the Chinese-exclusion acts—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting, with the draft of a bill, copy of a letter from the Commissioner-General of Immigration relating to the amendment of laws relating to deportation of Chinese—to the Committee on Foreign Affairs, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 3481) to permit certain burials of the dead in the lands of the Protestant Episcopal Cathedral Foundation of the District of Columbia, and for other purposes, reported the same without amendment, accompanied by a report (No. 2905); which said bill and report were referred to the House Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. STEPHENS of Texas: A bill (H. R. 14216) to supplement existing laws relative to the disposition of lands in Oklahoma Territory—to the Committee on the Public Lands.

By Mr. McCLEARY: A bill (H. R. 14217) for the purchase of a bronze replica of the Vendome statue of General Rochambeau—to the Committee on the Library.

By Mr. BROWNLOW: A bill (H. R. 14218) to empower the Secretary of War to set aside a part of each national cemetery in the United States for the burial of deceased enlisted men and their wives—to the Committee on Military Affairs.

By Mr. HENRY of Connecticut: A bill (H. R. 14219) to revise the patent laws relating to assignments—to the Committee on Patents.

By Mr. KING: A bill (H. R. 14220) for the repeal of an act to provide ways and means to meet war expenditures, and for other purposes, approved June 13, 1898—to the Committee on Ways and Means.

By Mr. TONGUE: A resolution (H. Res. 419) to print hearings before the Committee on Irrigation of Arid Lands—to the Committee on Printing.

By Mr. GAMBLE: A resolution of the legislature of South Dakota, favoring the election of United States Senators by direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

#### PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. GILBERT: A bill (H. R. 14221) granting an increase of pension to Allen Demaree—to the Committee on Pensions.

By Mr. GRIFFITH: A bill (H. R. 14222) granting an increase of pension to Elihu Wheeler—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 14223) granting an increase of pension to Almond Partridge—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 14224) granting an increase of pension to William H. H. Adams—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 14225) for the relief of Capt. J. E. Turtle—to the Committee on Claims.

By Mr. DOVENER: A bill (H. R. 14226) granting a pension to Mary E. Frankland—to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARTHOLDT: Petition of citizens of New Haven, Mo., favoring the repeal of the tax on bank capital and stamp tax on checks, drafts, etc.—to the Committee on Ways and Means.

Also, petition of R. C. Kerens and others, praying for passage of Senate bill No. 4830, to correct the military record of Ira J. Paxton—to the Committee on Military Affairs.

By Mr. BURLEIGH: Petition of citizens of East Jefferson, Me., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. BURKETT: Resolutions of the Commercial Club of Omaha, Nebr., favoring appropriations for surveys, dams, and canals throughout the great West—to the Committee on Irrigation of Arid Lands.

By Mr. S. A. DAVENPORT: Petition of Julia M. Turner and

Margaret E. Hodge, favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

Also petition of Mrs. Cyrus D. Foss and others, in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. GIBSON: Petition of William Cecil, to accompany House bill to remove the charge of desertion from his military record—to the Committee on Military Affairs.

By Mr. GILLETT of Massachusetts: Petition of Woman's Christian Temperance unions of New Mexico and Indian Territory, urging the passage of House bill No. 12551, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. GRAHAM: Petition of John C. Scales, Washington, D. C., for the repeal of the stamp tax on checks, etc.—to the Committee on Ways and Means.

By Mr. JONES of Washington: Petition of Woman's Christian Temperance Union of Walla Walla, Wash., favoring the passage of the Gillett bill, for the protection of native races in our islands against intoxicants and opium—to the Committee on Insular Affairs.

By Mr. LLOYD: Petition of E. Peterman and 15 others, of the State of Missouri, asking that the Missouri State Militia be declared pensionable—to the Committee on Invalid Pensions.

By Mr. McRAE: Affidavit of John A. Pullen to accompany House bill No. 12589, for the relief of Lucinda E. Howard—to the Committee on Invalid Pensions.

By Mr. MERCER: Resolutions of the Commercial Club of Omaha, Nebr., for the reclamation of arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. MIERS of Indiana: Petition of Mary E. Adams, guardian of William H. H. Adams, of Company F, Eighty-fourth Regiment Ohio Infantry Volunteers, for increase of pension for William H. H. Adams—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: Petition of citizens of Fort Lupton, Colo., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. YOUNG: Petition of John C. Scales, of Washington, D. C., for the repeal of stamp tax on checks, drafts, etc.—to the Committee on Ways and Means.

#### SENATE.

MONDAY, February 18, 1901.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The PRESIDENT pro tempore resumed the chair.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. HANSBROUGH, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

#### EXCLUSION OF CHINESE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Commissioner-General of Immigration requesting amendatory legislation to the Chinese exclusion acts, for the purpose of requiring steamship companies bringing Chinese persons to ports of the United States to return any that may be rejected by the appropriate officials to China, or to the country of which they may be citizens or subjects, etc.; which, with the accompanying papers, was referred to the Committee on Foreign Relations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Commissioner-General of Immigration requesting amendatory legislation to the Chinese exclusion acts for the purpose of authorizing Chinese and immigrant inspectors to make summary arrests of Chinese believed by them to be unlawfully in this country, etc.; which, with the accompanying papers, was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. PETTIGREW. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Dillingham,	Lindsay,	Rawlins,
Allison,	Dolliver,	Lodge,	Scott,
Berry,	Foster,	McCumber,	Shoup,
Burrows,	Frye,	McEnery,	Teller,
Butler,	Gallinger,	Money,	Tillman,
Carter,	Hale,	Nelson,	Turley,
Chandler,	Hansbrough,	Perkins,	Vest,
Clapp,	Harris,	Pettigrew,	Warren,
Clay,	Heitfeld,	Pettus,	Wolcott.
Cockrell,	Jones, Ark.	Platt, N. Y.	
Cullom,	Kean,	Proctor,	
Deboe,	Kyle,	Quarles,	



The PRESIDENT pro tempore. Forty-five Senators have responded to their names on the roll call. There is a quorum present.

ENROLLED BILLS SIGNED.

The PRESIDENT pro tempore announced his signature to the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

- A bill (S. 854) for the relief of Lieut. Horace P. McIntosh;
- A bill (S. 5023) to extend the privileges of the seventh section of the immediate-transportation act to New Bedford, Mass.;
- A bill (S. 5364) to establish a light and fog station at Point Dume, Los Angeles County, Cal.;
- A bill (S. 5404) to extend the privileges provided by an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, as amended;
- A bill (S. 5814) to authorize the Louisville and Nashville Railroad Company to construct, maintain, and operate a bridge across the Choctawhatchee River at Geneva, Ala.;
- A bill (H. R. 3204) to refer certain claims for Indian depredations to the Court of Claims; and
- A bill (H. R. 6240) for the preparation of plans or designs for a memorial or statue of Gen. Ulysses S. Grant on ground belonging to the United States Government in the city of Washington, D. C.

WARRIOR RIVER BRIDGE.

Mr. VEST. Mr. President, Saturday evening the Senate passed the bill (H. R. 11110) to authorize the Mobile and West Alabama Railroad Company to construct and maintain a bridge across the Warrior River, between the counties of Walker and Jefferson, in section 35, township 17, range 7 west, Alabama, and the bill was amended by putting in a repealing clause. I was under the impression at the time that the repealing clause was in the bill, but it was passed in a great hurry. I now find that the Senate has duplicated the clause.

In order to strike out one of the repealing clauses and pass the bill, I move to reconsider the votes by which it was ordered to a third reading and passed. I shall move to strike out the repealing clause that the Senate inserted; otherwise the bill will go back to the House of Representatives in that form.

The PRESIDENT pro tempore. The bill has not gone to the House?

Mr. COCKRELL. It has not gone to the House.

Mr. VEST. It has not gone to the House. That is the reason why I make the motion to reconsider now.

The PRESIDENT pro tempore. The Senator from Missouri moves that the votes by which this bill was ordered to a third reading, read the third time, and passed be reconsidered. Without objection, it is so ordered. The Senator from Missouri moves to strike out the last section.

Mr. PETTIGREW. What is the bill?

Mr. VEST. It is a bill authorizing a bridge in Alabama.

Mr. PETTIGREW. I do not know but that this bridge bill is all right, but we passed a bridge bill some days ago which contained the usual clause with regard to crossing by other roads. The House passed a similar bill, or it was so reported, leaving out those provisions. The committee reported back the House bill at once and passed it with that clause stricken out which the Senate seems to insist upon. I presume the committee did not examine it, and the Senate was assured that it was in the usual form. I should like to know whether this bill is in the usual form or not. Have the committee examined it, so that they know?

Mr. VEST. I have.

Mr. PETTIGREW. Does it contain the provision with regard to protecting the rights of other companies and of the Government?

Mr. VEST. It contains all the provisions that are necessary. I have examined it critically.

Mr. PETTIGREW. If the Senator can assure me that he has personally examined it critically, I shall not inquire further.

Mr. VEST. I have.

Mr. PETTIGREW. But I wish to call attention to the fact that Senate bill 5395 passed the Senate granting to the New Jersey Railroad and Canal Company and the Philadelphia and Trenton Railroad Company, or their successors, the right to cross the Delaware River. That bill contained the usual clauses. But the House also passed a bill giving this company the right to cross the Delaware River and their bill did not contain these clauses. After the bill had passed the House it came here and it was passed by the Senate on the 7th of this month.

Mr. HALE. Without adding the clauses?

Mr. PETTIGREW. Without adding the clauses. It was referred to the committee of this body on the 5th of this month and was reported back on the 7th and passed, and on the same day the Senate bill was recalled from the House. Thus legislation was secured which gives this company privileges not granted to any other.

Mr. VEST. The Senator is mistaken. The bill was not recalled from the House. I will state the parliamentary history of that measure in a very few words.

The bill to which he refers was a Senate bill introduced by the senior Senator from New Jersey [Mr. SEWELL]. It was sent, under the rule of the Commerce Committee, to the Bureau of Engineers, or, rather, speaking more accurately, to the War Department. They reported the bill as correctly framed back to the Commerce Committee without the clause to which the Senator refers in regard to the privilege of other roads to use the bridge. As chairman of the subcommittee on bridges of the Commerce Committee of the Senate, I put the usual amendment upon it giving to other roads the privilege of using the bridge. The bill was then passed by the Senate as amended.

Mr. PETTIGREW. Now, I wish to call the Senator's attention—

Mr. VEST. It was sent to the House of Representatives, and the House of Representatives instead of taking up the Senate bill passed an original House bill and sent it back to the Senate without the clause. I then declined to recommend the bill to the full committee of the Senate without that clause and submitted the question to the full committee, and the full committee directed the senior Senator from Pennsylvania [Mr. PENROSE] to report the bill without the amendment. That is the history of it exactly.

Mr. PETTIGREW. And it was reported on the 7th of this month and passed.

Mr. VEST. Well, I had nothing to do with that.

Mr. PETTIGREW. It was passed without that provision.

Mr. VEST. I had nothing to do with that. I insisted that the amendment should be upon the bill, and I never have changed my opinion.

Mr. PETTIGREW. Then, Mr. President—

Mr. VEST. I never reported it. It was reported by the senior Senator from Pennsylvania.

Mr. PETTIGREW. The bill passed on the 7th, and the same day a resolution was passed through the Senate recalling the Senate bill from the House.

Mr. VEST. I have no recollection of that.

Mr. PETTIGREW. So that company secures the legislation it wants without the restriction generally imposed.

Mr. HALE. Let me ask the Senator what reasons were given in that case why the customary clause, which we always, as far as I know, do put on, was not put on the bill?

Mr. VEST. The senior Senator from New Jersey [Mr. SEWELL], when the bill came back from the House, appeared before the full Committee on Commerce of the Senate and stated that the bridge was above navigation; that it was simply to meet the necessities of a cut-off, as he expressed it, across the river, and that no other road could use it, and they did not propose, if they could help it, to have any electric road use it. His argument seemed to be satisfactory to the majority of the Senate committee.

Mr. HALE. Was it, then, a bridge over a nonnavigable river?

Mr. VEST. It was above navigation on the Delaware River—so the senior Senator from New Jersey stated.

Mr. HALE. It was on that ground that the exception was made?

Mr. VEST. Yes, sir. I thought the amendment ought to go in anyway, but I was overruled and I did not report the bill. I requested that the junior Senator from Pennsylvania should report it.

Mr. PETTIGREW. The Senate did pass the original bill with that provision included?

Mr. VEST. It did. I put in that provision after the bill came from the Bureau of Navigation.

Mr. PETTIGREW. The House passed a bill without that provision, and the Senate afterwards recalled its bill. It looks to me as though it was an effort to avoid the law and give to this company special privileges not granted to others.

Mr. VEST. I have no recollection about the recall of the bill, but the Senator can look in the RECORD to see whether my recollection is correct. My recollection is that the House passed an original bill and sent it here without paying any attention to the Senate bill.

Mr. PETTIGREW. If the Senator will examine the RECORD of February 7 he will find that a resolution was passed recalling the Senate bill from the House.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Missouri, that the bill he has indicated be amended as he has suggested?

Mr. BUTLER. Mr. President, I do not object to that request, because I think the amendment ought to be made.

In this connection I wish to say again what I referred to briefly Saturday evening. All of this shows the necessity for general legislation covering the bridge question. There is scarcely a bridge bill introduced where one of the three clauses that the Senate insists on putting in bridge bills is not left out in one House or the other. There is an effort to get through the bill without it.



or to drop the amendment. It keeps the committees all the time burdened with the duty of watching and scrutinizing these long and cumbersome bills and looking to see if these provisions are in, and after they are put in to watch and see that they are not dropped out.

As the Senator from Missouri said on Saturday, he introduced several years ago a carefully drawn general bridge bill, and it was passed through the Senate twice. The House has refused to pass it. When there is constant danger of improper legislation being passed on this subject, and when there is a constant burden on the committee, if they desire to prevent discrimination, to scrutinize these bills, why the House refused to pass that bill is more than I can comprehend.

But until the House will see fit to pass a bill which the Senate has passed, providing general legislation and making it the duty of these companies to go to the Secretary of War and get their permission under a general law, just as we now go before the Postmaster-General and get a post route under the general law, the burden will devolve on those who think there should be no discrimination to watch every one of these bills. We had this same trouble for years and years with the post routes, and at last, to get rid of the trouble, Congress passed general legislation, and it ought to be done in this case.

The PRESIDENT pro tempore. The bill is before the Senate, and section 6 will be stricken out.

Mr. COCKRELL. That is the one the Senate inserted?

Mr. WEST. It is the amendment of the Senate.

The PRESIDENT pro tempore. The amendment will be disagreed to.

The bill was ordered to a third reading, read the third time, and passed.

#### PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the New York Furniture Warehousemen's Association, praying for the construction of a new post-office building in the city of New York; which was referred to the Committee on Public Buildings and Grounds.

He also presented sundry petitions of citizens of New York, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented petitions of sundry citizens of New York City, of Joseph A. Greene and sundry other citizens of Brooklyn, and of Charles A. Larson, N. J. Nelson, and C. F. Flodgirt, of Brooklyn, all in the State of New York, praying for the enactment of legislation to limit the hours of daily labor of workmen and mechanics, and also to protect free labor from prison competition; which were referred to the Committee on Education and Labor.

He also presented a petition of the New York Furniture Warehousemen's Association, and a petition of the Manufacturers' Association, of New York, praying that an appropriation be made to continue the pneumatic-tube service in the city of New York; which were ordered to lie on the table.

He also presented petitions of Rev. C. E. Roning, of Brooklyn; Rev. John D. Long, of Babylon, and of the Board of Foreign Missions of the Presbyterian Church, all in the State of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors, firearms, and opium in the New Hebrides; which were ordered to lie on the table.

He also presented a petition of the Woman's Missionary Society of the First Presbyterian Church of Olean, N. Y., and a petition of the congregations of sundry Presbyterian churches of Rochester, N. Y., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of the Manufacturers' Association of New York, praying for the enactment of legislation to maintain the parity of the money of the United States; which was referred to the Committee on Finance.

Mr. CLAPP presented the following joint resolution of the legislature of Minnesota: which was ordered to lie on the table, and to be printed in the RECORD:

[Memorial to Congress. State of Minnesota. Thirty-second session of the legislature. S. F. No. 94.]

A joint resolution of the senate and house of representatives of the State of Minnesota making application to the Congress of the United States, under Article V of the Constitution, for the submission of an amendment to said Constitution making United States Senators elective in the several States by popular vote.

Be it enacted by the legislature of the State of Minnesota: SECTION 1. The legislature of the State of Minnesota hereby makes application to the Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention to propose an amendment to the Constitution of the United States making United States Senators elective in the several States by direct vote of the people.

SEC. 2. The secretary of state is hereby directed to transmit copies of this application to the Senate, House of Representatives of the Congress, and copies to the members of the said Senate and House of Representatives from this State; also to transmit copies hereof to the presiding officers of each of the legislatures now in session in the several States, requesting their cooperation.

Approved February 9, 1901.

#### STATE OF MINNESOTA, DEPARTMENT OF STATE.

I, P. E. Hanson, secretary of state of the State of Minnesota, do hereby certify that I have compared the annexed copy with the original resolution in my office of a joint resolution of the senate and house of representatives of the State of Minnesota, being senate file No. 91, duly approved February 9, 1901, filed in this office February 9, 1901, and that said copy is a true and correct transcript of said resolution and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State, at the capitol in St. Paul, this 13th day of February, A. D. 1901.

[SEAL.]

P. E. HANSON,  
Secretary of State.

Mr. QUARLES presented a petition of 72 citizens of Waukesha, Wis., praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

Mr. TELLER presented petitions of sundry citizens of Montrose and Fort Lupton, in the State of Colorado, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Pueblo, Colo., praying for the enactment of legislation providing an adequate and permanent supply of living water for irrigation purposes for the Pima and Papago Indians in Arizona; which was referred to the Committee on Indian Affairs.

He also presented a petition of the congregation of the Methodist Episcopal Church of Fort Lupton, Colo., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the island possessions of the United States; which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. THURSTON presented a petition of the congregation of the First Presbyterian Church of Hebron, Nebr., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. MONEY presented a memorial of the Board of Trade of Las Vegas, N. Mex., remonstrating against the enactment of legislation to prohibit the people of the Territory of New Mexico in the free use of the waters of the Rio Grande River; which was referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

To the Senate of the United States:

GENTLEMEN: The following resolution was passed at a meeting of the Las Vegas Board of Trade at a meeting held in the city of Las Vegas, N. Mex., on February 12, 1901:

Whereas there is pending in the Congress of the United States a bill commonly known as the "Culberson-Stephens bill," S. 3794, the same having been referred to the Committee on Foreign Relations of the Senate of the United States; and

Whereas the purpose and effect of said measure is to restrict the people of the Territory of New Mexico in the free use of the waters of the Rio Grande River, and would result in the destruction of all horticultural and agricultural interests already established in this Territory along the valley of said river, and to hinder and prevent all future development in such valley of said interests, and as well contains an admission of a duty on the part of the United States toward the Republic of Mexico to burden one of the great industries of New Mexico with an obligation which, if it exists at all, does not rest upon irrigable lands along the Rio Grande River: Therefore,

Resolved, That the Board of Trade of Las Vegas, on behalf of 10,000 people in this locality, whom it represents, earnestly protests against the passage of said bill, and hereby respectfully requests members of Congress of the United States who feel a friendly interest in the development and progress of New Mexico to join in a vigorous support to defeat a measure so destructive to one of our leading industries.

GEO. P. MONEY,

Secretary of Las Vegas Board of Trade.

Mr. FRYE presented a petition of the Woman's Christian Temperance Union of Attleboro, Me., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the New Hebrides; which was ordered to lie on the table.

He also presented a petition of the directors of the Marine National Bank and sundry other banking firms of Bath, Me., praying for the repeal of the stamp tax on bank checks and banking capital; which was ordered to lie on the table.

#### REPORTS OF COMMITTEES.

Mr. NELSON, from the Committee on Public Lands, to whom was referred the bill (S. 5978) authorizing the Secretary of the Interior to appear in suits brought by States relative to school lands, reported it without amendment.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the amendment submitted by himself on the 14th instant, authorizing the construction of reservoirs for the storage of water and for other necessary works for the reclamation of the public lands within the arid and semiarid regions of the United States, intended to be proposed to the sundry civil appropriation bill, reported it with amendments, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. PERKINS, from the Committee on Fisheries, to whom was referred the amendment submitted by Mr. SHOUP on the 12th instant, proposing to appropriate \$25,000 for the establishment of a fish-cultural station in the State of Idaho, intended to be proposed to the sundry civil appropriation bill, reported it favorably, and submitted a report thereon, and moved that it be referred



to the Committee on Appropriations and printed; which was agreed to.

Mr. TELLER, from the Committee on Claims, to whom was referred the amendment submitted by Mr. SULLIVAN on the 4th instant, intended to be proposed to the bill (H. R. 13382) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and generally known as the Bowman and Tucker acts, and for other purposes, reported it favorably and submitted a report thereon, and moved that it lie on the table and be printed; which was agreed to.

Mr. SIMON, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. WETMORE on the 13th instant, proposing to appropriate \$20,000 for addition, alterations, and repairs for custom-house and post-office at Newport, R. I., intended to be proposed to the sundry civil appropriation bill, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

#### DIVISION OF SOILS, DEPARTMENT OF AGRICULTURE.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. J. Res. 285) providing for the printing annually of the Report on Field Operations of the Division of Soils, Department of Agriculture, to report it favorably without amendment, and I ask for its immediate consideration.

The joint resolution was read, as follows:

*Resolved, etc.,* That there be printed 17,000 copies of the Report on Field Operations of the Division of Soils, Department of Agriculture, for 1900, of which 3,000 copies shall be for the use of the Senate, 6,000 copies for the use of the House of Representatives, and 8,000 copies for the use of the Department of Agriculture; and that annually hereafter a similar report shall be prepared and printed, the edition to be the same as for the report herein provided.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### PRINTING OF REPORT ON COMMERCE.

Mr. PLATT of New York. I am directed by the Committee on Printing to report a concurrent resolution to provide for printing copies of the general summary entitled "Review of the World's Commerce," and I ask for its immediate consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution; which was read, as follows:

*Resolved by the Senate (the House of Representatives concurring),* That there be printed 14,000 copies of the general summary entitled "Review of the world's commerce" for the year 1900, of which 1,000 shall be for the use of the Senate, 3,000 for the use of the House of Representatives, and 10,000 for the use of the Department of State; and 8,000 copies of Commercial Relations of the United States for the year 1900, including the general summary, of which 1,000 shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 5,000 for the use of the Department of State.

Mr. COCKRELL. I think the number provided for the Senate is not the usual number. The proportion is one to three. I think generally it is one to two. We have one-third, and we give the House twice as many as the Senate. I think that is the usual number.

Mr. PLATT of New York. I will accept such an amendment as the Senator from Missouri suggests.

Mr. COCKRELL. Let the Senate have 1,500 copies.

Mr. HALE. Before the resolution is disposed of, I wish to call attention, as the Senator from Missouri has done before, and as also the Senator from New York has done, to the tendency in printing valuable public documents which are called for by the public to give almost the whole edition to the Department and not to Congress. In the old days, and not very old days, when a valuable public document was printed, one that was to be much called for by the public, the large part of the edition was given to the two Houses, and incidentally a small portion was given to the Department in which it originated. We have gradually gone on until we are now printing public documents and giving almost the entire edition to the Department, and giving a very meager allowance to the Senate and House.

I do not find fault with the Senator who reported this resolution, because the Departments claim that that shall be done; but we have done too much of it. He has reported a resolution for printing an edition of 14,000 of a very valuable, interesting public document, and of the 14,000 copies he proposes to give only 4,000 to Congress and 10,000 copies to the Department of State. I believe that to be wrong. I hope the Senator in the future will see to it (for these matters of printing are largely in the discretion of the chairman) that the distribution is not made in that way. I shall move in this case that 2,500 be given to the Senate and 4,000 to the House, and the balance to the State Department.

Mr. COCKRELL. I hope the Senator will modify it and let us

keep up the usual number, which would be 3,000 to the Senate and 6,000 to the House.

Mr. HALE. That is better.

Mr. COCKRELL. And 5,000 to the State Department.

Mr. HALE. Five thousand to the State Department. I put the motion in that form.

The PRESIDENT pro tempore. The amendments will be stated.

The SECRETARY. In line 4 strike out "one" and insert "three;" in line 5 strike out "three" and insert "six;" in line 6 strike out "ten" and insert "five;" in line 9, before the word "thousand" where it first occurs, strike out "one" and insert "two;" in the same line, before the word "thousand" where it occurs the second time, strike out "two" and insert "four," and in line 10 strike out "five" and insert "two;" so as to make the resolution read:

*Resolved by the Senate (the House of Representatives concurring),* That there be printed 14,000 copies of the general summary entitled "Review of the World's Commerce for the year 1900," of which 3,000 shall be for the use of the Senate, 6,000 for the use of the House of Representatives, and 5,000 for the use of the Department of State; and 8,000 copies of Commercial Relations of the United States for the year 1900, including the general summary, of which 2,000 shall be for the use of the Senate, 4,000 for the use of the House of Representatives, and 2,000 for the use of the Department of State.

The PRESIDENT pro tempore. The question is on agreeing to the amendments proposed by the Senator from Maine.

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

#### CORRESPONDENCE OF JOHN C. CALHOUN.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. TILLMAN on the 5th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring),* That there be printed 15,000 additional copies of volume 2 of the Annual Report of the American Historical Association for 1899, being the correspondence of John C. Calhoun, of which 5,000 copies shall be for the use of the Senate and 10,000 copies for the use of the House of Representatives.

#### REPORT OF COMMISSIONER OF PATENTS.

Mr. PLATT of New York. I move that the Committee on Printing be discharged from the further consideration of the annual report of the Commissioner of Patents for the year 1900, which was referred on February 5, 1901, to the Committee on Printing, and that it be referred to the Committee on Patents.

The motion was agreed to.

#### REPORT ON MILITARY OPERATIONS.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom were referred the amendments of the House of Representatives to the concurrent resolution of the Senate for printing the annual report of the Major-General Commanding the Army for 1899, to report back the amendments and move the concurrence of the Senate therein.

The PRESIDENT pro tempore. The amendments of the House of Representatives will be stated.

The amendments of the House of Representatives were:

Line 2, strike out "seven" and insert "four."

Line 5, strike out "two" and insert "one."

Line 6, strike out "four" and insert "two."

So as to make the concurrent resolution read:

*Resolved by the Senate (the House of Representatives concurring),* That there be printed 4,000 copies of the annual report of the Major-General Commanding the Army for 1899, with accompanying documents, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 copies for the use of the War Department and Headquarters of the Army.

The PRESIDENT pro tempore. The question is on concurring in the amendments of the House of Representatives.

The amendments were concurred in.

#### LIST OF MAPS.

Mr. PLATT of New York. I am instructed by the Committee on Printing, to whom were referred the amendments of the House of Representatives to the concurrent resolution of the Senate providing for the printing of 3,500 copies of "The list of maps relating to America now in the Library of Congress," as submitted by the Librarian of Congress, to report them favorably and with a recommendation that the Senate concur therein. I ask for their present consideration.

There being no objection, the Senate proceeded to consider the amendments of the House of Representatives to the concurrent resolution, which were, in line 5 to strike out "three" and insert "two;" in line 6 to strike out "one thousand" and insert "five hundred;" and in line 7 to strike out "five hundred;" so as to make the resolution read:

*Resolved by the Senate (the House of Representatives concurring),* That there be printed of "The list of maps relating to America now in the Library of Congress," as submitted by the Librarian of Congress, 2,500 copies, of which number 500 shall be for the use of the Senate, 1,000 for the use of the House of Representatives, and 1,000 for the use of the Library of Congress, said documents to be bound in cloth.



The PRESIDENT pro tempore. The question is on concurring in the amendments of the House of Representatives. The amendments were concurred in.

WILLIAM FLANNERY.

Mr. McCUMBER, from the Committee on Claims, to whom was referred the bill (S. 709) for the relief of William Flannery, submitted a report thereon, accompanied by the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the bill (S. 709) entitled "A bill for the relief of William Flannery," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

#### INTERNATIONAL CONFERENCE AT BRUSSELS.

Mr. ALDRICH. I report from the Committee on Finance a translation made for the committee of the proceedings of the international conference at Brussels upon sugar bounties, and ask that it may be printed as a document.

Mr. COCKRELL. When was that conference held?

Mr. ALDRICH. In 1898. The proceedings have never before been translated and they never have been printed. It is a very important document, and one of great public interest just at the present time.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Rhode Island [Mr. ALDRICH] that the paper referred to by him may be printed as a document? The Chair hears none, and that order is made.

#### BILLS INTRODUCED.

Mr. McENERY introduced a bill (S. 5990) for the relief of the estate of Raphael Segura, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5991) for the relief of Whitty S. Miller, administrator of Whitty M. Sasser, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. BATE introduced a bill (S. 5992) for the relief of D. W. and Minna H. Glassie and Joseph C. Nash; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. TELLER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5993) granting a pension to A. Elizabeth Nichols;

A bill (S. 5994) granting an increase of pension to Henry R. Bennett;

A bill (S. 5995) granting an increase of pension to Cyrus A. Bowers (with an accompanying paper);

A bill (S. 5996) granting an increase of pension to William H. Green (with an accompanying paper); and

A bill (S. 5997) granting a pension to Thomas Tobens.

Mr. STEWART introduced a bill (S. 5998) granting a pension to Alice P. Morrison; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MASON introduced a bill (S. 5999) to remove the charge of desertion and grant an honorable discharge to John C. Weckler; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HALE. I introduce a bill which I ask may be read and referred to the Committee on Naval Affairs.

The bill (S. 6000) to revive the grade of vice-admiral in the Navy was read the first time by its title and the second time at length, as follows:

*Be it enacted, etc.*, That the grade of vice-admiral in the Navy of the United States is hereby revived, and the President is hereby authorized, by and with the advice and consent of the Senate, to appoint from the active list of rear-admirals of the Navy two vice-admirals.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Naval Affairs.

Mr. MCOMAS introduced a bill (S. 6001) reviving the grade of vice-admiral in the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. HALE introduced a joint resolution (S. R. 160) tendering the thanks of Congress to Rear-Admiral William T. Sampson, United States Navy, and to the officers and men of the squadron under his command during the late war with Spain; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. PERKINS. I introduce a joint resolution which I ask may be read and referred to the Committee on Education and Labor.

The joint resolution (S. R. 161) to facilitate the utilization of the Government Departments for the purposes of research, in extension of the policy enunciated by Congress in the joint resolution approved April 12, 1892, was read the first time by its title and the second time at length, as follows:

Whereas by public resolution No. 8, approved April 12, 1892, entitled "To encourage the establishment and endowment of institutions of learning at

the national capital by defining the policy of the Government with reference to the use of its literary and scientific collections by students," the use of the Government resources for purposes of research is limited to institutions of learning at the national capital; and

Whereas it is desirable that duly qualified students and graduates of institutions of learning other than those located at the capital, also any suitable qualified individual, should be permitted to utilize the various scientific and other resources of the Government for purposes of research, in order to obtain opportunities for practical training and research which can not be obtained elsewhere in the United States: Therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That facilities for study and research in the Government Departments, the Library of Congress, the National Museum, the Zoological Park, the Bureau of Ethnology, the Fish Commission, the Botanic Gardens, and similar institutions hereafter established, shall be afforded to scientific investigators and to duly qualified individuals, students, and graduates of institutions of learning in the several States and Territories, as well as in the District of Columbia, under such rules and restrictions as the heads of the Departments and bureaus mentioned may prescribe.

The PRESIDENT pro tempore. In the absence of objection, the joint resolution will be referred to the Committee on Education and Labor.

Mr. PLATT of Connecticut. I think bills similar to this joint resolution have heretofore always gone over to the Committee on the Library.

Mr. PERKINS. I understood the Committee on Education and Labor was the proper committee for the consideration of the joint resolution, but I have no objection to it going to the Committee on the Library.

Mr. PLATT of Connecticut. I do not know that I have any objection, so far as this case is concerned.

The PRESIDENT pro tempore. In the absence of objection, the joint resolution will be referred to the Committee on Education and Labor.

Mr. MCOMAS introduced a joint resolution (S. R. 162) tendering the thanks of Congress to Rear-Admiral Winfield Scott Schley and to Rear-Admiral William T. Sampson and to the officers and men engaged in the naval battle off Santiago de Cuba during the late war with Spain; which was read twice by its title, and referred to the Committee on Naval Affairs.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. MASON submitted an amendment proposing to appropriate \$282,840.96 to pay amounts found by commissioners of the Court of Claims to be due letter carriers under the act of May 24, 1888, entitled "An act to limit the hours that letter carriers in cities shall be employed per day," intended to be proposed by him to the Post-Office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. THURSTON submitted an amendment proposing to appropriate \$22,000 for the survey of lands in the Pine Ridge, Standing Rock, and Lower Brulé Indian reservations in South Dakota, and \$3,000 for clerical work and stationery in the office of the surveyor-general required on surveys within the Pine Ridge, Standing Rock, and Lower Brulé Indian reservations in South Dakota, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PLATT of New York submitted an amendment proposing to establish a consulate at Teneriffe, Spain, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

#### THE OLEOMARGARINE BILL.

Mr. CLARK submitted an amendment intended to be proposed by him to the bill (H. R. 3717) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported and to change the tax on oleomargarine; which was ordered to lie on the table and be printed.

#### LEWIS S. HORSEY.

Mr. GALLINGER submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

*Resolved by the Senate (the House of Representatives concurring)*. That the President be requested to return to the Senate the bill of the Senate No. 1203, granting an increase of pension to Lewis S. Horsey.

#### SUNDAY SESSION FOR MEMORIAL EXERCISES.

Mr. CHANDLER. I introduce a resolution, which I shall ask to go over until to-morrow, to which I invite the special attention of Senators. It is a resolution which provides that the various memorial exercises concerning deceased members of the House of Representatives, of which notice has been given heretofore to be brought up on Saturday next, be considered at a special session of the Senate, to be held for that purpose only, on Sunday next at 1 o'clock. I offer the resolution, and ask that it may go over; but unless I ascertain that it will meet with the general concurrence of the Senators, I shall not ask to have it passed.

Mr. BUTLER. Let the resolution be read.

Mr. COCKRELL. Yes, let it be read, so that we may understand what it is.



The PRESIDENT pro tempore. The resolution submitted by the Senator from New Hampshire [Mr. CHANDLER] will be read. The Secretary read as follows:

*Resolved*, That the various memorial resolutions concerning deceased members of the House of Representatives, the consideration of which is fixed for Saturday next, be considered at a session of the Senate to be held for that purpose only on Sunday next at 1 o'clock.

The PRESIDENT pro tempore. The resolution will go over at the request of the Senator offering it.

#### LETTERS OF JEFFERSON ON CUBAN ANNEXATION.

Mr. HANSBROUGH. I offer a resolution for which I ask present consideration.

The PRESIDING OFFICER (Mr. BEVERIDGE in the chair). The Senator from North Dakota offers a resolution, which will be read for information.

The resolution was read, as follows:

*Resolved*, That the Secretary of State be, and he hereby is, directed to send to the Senate copies of letters written by Thomas Jefferson to President Madison and President Monroe concerning the annexation of Cuba.

Mr. PLATT of Connecticut and Mr. GALLINGER. Let it be read again.

Mr. HALE. Let the resolution go over for the present.

The PRESIDING OFFICER. The Senator from North Dakota asks that the resolution be considered and put upon its passage. The resolution will again be read to the Senate.

Mr. HALE. Let it go over, Mr. President.

Mr. GALLINGER. Let it be read again.

Mr. HANSBROUGH. I will say to the Senator from Maine that it is merely a resolution calling for information.

Mr. PLATT of Connecticut. I should like to hear it read again.

The PRESIDING OFFICER. The resolution will again be read.

The Secretary again read the resolution.

Mr. HALE. There are certain other letters from other great public servants in times past that I want to add to it, but I can not give the names now, and I ask that the resolution go over.

Mr. HANSBROUGH. Very well; I have no objection to that course.

The PRESIDING OFFICER. The Senator from Maine makes objection, and the resolution will go over for one day.

#### BONDS OF PIMA COUNTY, ARIZ.

Mr. SPOONER. On Saturday last the Senate passed House bill 8068, and after the bill had passed I entered a motion to reconsider the vote by which it was passed. I now ask leave to withdraw that motion.

The PRESIDENT pro tempore. The Senator from Wisconsin withdraws his motion to reconsider the vote by which the Senate passed a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 8068) authorizing the board of supervisors of Pima County, Ariz., to issue fifty-year 4 per cent bonds of Pima County, Ariz., to redeem certain funded indebtedness of said county.

The PRESIDENT pro tempore. The motion to reconsider having been withdrawn, the bill stands passed.

#### EVA BURRELL.

Mr. GALLINGER. On Saturday last the Senate passed a resolution, No. 467, providing for the payment to Eva Burrell, widow of Henry Burrell, deceased, late a laborer in the employ of the Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death. I find the name has been incorrectly spelled, and I move a reconsideration of the vote whereby the resolution was adopted.

The PRESIDENT pro tempore. The Senator from New Hampshire moves that the vote by which a resolution was adopted be reconsidered. The resolution will be read.

The Secretary read the resolution which had been submitted by Mr. McMILLAN January 11, 1901, and reported by Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, on the 16th instant, as follows:

*Resolved*, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Eva Burrell, widow of Henry Burrell, deceased, late a laborer in the employ of the Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

The motion was agreed to; and, by unanimous consent, the Senate proceeded to consider the resolution.

Mr. GALLINGER. I move to amend the resolution by having the name spelled "Burrell."

The SECRETARY. It is proposed to amend the resolution in lines 2 and 3 by striking out the final "l" in the name "Burrell" where it occurs, so as to read "Burrel."

The amendment was agreed to.

Mr. GALLINGER. I hope the resolution may now be adopted.

The resolution as amended was agreed to.

#### UNLAWFUL TRADE RESTRAINTS AND MONOPOLIES.

The PRESIDENT pro tempore. If there be no further morning business, the Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. JONES of Arkansas on the 16th instant, as follows:

*Resolved*, That the Committee on the Judiciary be discharged from the further consideration of the bill (H. R. 10539) to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, and that the Senate proceed to consider the same.

Mr. JONES of Arkansas. I have a telegram from the senior Senator from Massachusetts [Mr. HOAR], the chairman of the Committee on the Judiciary, having charge of the bill which I have moved that the committee be discharged from the consideration of. He telegraphs me that he is detained from the Senate, that he can not be here until Thursday next, and that he is anxious to be present when the resolution is taken up. I am not willing to be discourteous to that Senator in any sense, and believing that we can just as easily have a vote on this question on Thursday as to insist on its consideration to-day, I prefer that the resolution shall lie on the table, to be taken up on Thursday morning next, when the Senator from Massachusetts can be present.

The PRESIDENT pro tempore. Does the Senator from Arkansas make that request?

Mr. JONES of Arkansas. I do.

The PRESIDENT pro tempore. The Senator from Arkansas asks unanimous consent that the resolution retain its present position until Thursday morning next. Is there objection? The Chair hears none, and it is so ordered.

#### MINING LOCATION.

Mr. PETTIGREW. On Saturday last I entered a motion to reconsider the vote by which a resolution was passed. I should like to call up that motion for consideration now. It relates to a resolution authorizing the Committee on Mines and Mining to make certain investigations.

The PRESIDENT pro tempore. The Senator from South Dakota [Mr. PETTIGREW] asks for the consideration at this time of his motion to reconsider the vote by which the Senate on Saturday last passed a resolution, which will be read.

The Secretary read the resolution submitted by Mr. STEWART January 3, 1901, and reported by Mr. JONES of Nevada from the Committee to Audit and Control the Contingent Expenses of the Senate on the 16th instant, as follows:

*Resolved*, That the Committee on Mines and Mining, while making inquiry in pursuance of a resolution of the Senate passed January 3, 1901, concerning mining locations under powers of attorney and where no mineral discoveries have been made, be authorized to send for persons and papers, to examine witnesses, and to employ a stenographer; that said committee may act by a subcommittee and may sit during the sessions of the Senate, and that the expenses of the inquiry may be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

Mr. GALLINGER. I would say, in respect to that matter, that the Senator from Nevada [Mr. STEWART] assures me that all he desires is to have a stenographer who has already done some work for the committee paid for his services. So if the resolution shall be reconsidered we will prepare a substitute for it. I think it ought to be reconsidered.

The PRESIDENT pro tempore. The Senator from South Dakota [Mr. PETTIGREW] moves that the vote by which the resolution was agreed to be reconsidered.

The motion was agreed to.

Mr. CHANDLER. Now, I ask that the resolution be recommitted to the Committee on Contingent Expenses which can prepare a substitute.

Mr. GALLINGER. That is right.

Mr. STEWART. I have no objection to that.

The PRESIDENT pro tempore. Without objection, the resolution will be recommitted to the Committee to Audit and Control the Contingent Expenses of the Senate.

#### POST-OFFICE APPROPRIATION BILL.

The PRESIDENT pro tempore. The morning business is closed.

Mr. CARTER. Mr. President, I desire to call up Senate bill 4306, which is upon the table as coming from the House of Representatives with amendments, in order that I may move concurrence in the House amendments.

Mr. WOLCOTT. Did I understand the President of the Senate to state that the morning business had closed?

The PRESIDENT pro tempore. The Chair announced that morning business had closed.

Mr. WOLCOTT. I should like, before the Senator from Montana proceeds, in accordance with a notice which I have given, to call up for the consideration of the Senate the Post-Office appropriation bill and have it laid before the Senate. Then I will give way with pleasure to the Senator from Montana.

Mr. CARTER. Very well.

The PRESIDENT pro tempore. The Senator from Colorado moves that the Senate proceed to the consideration of the Post-Office appropriation bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 13729) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1902.

Mr. WOLCOTT. I ask that the formal reading of the bill may



be dispensed with and that the committee amendments be first acted upon.

The PRESIDENT pro tempore. The Senator from Colorado asks unanimous consent that the formal reading be dispensed with, that the bill be read for amendment, and that the committee amendments first receive consideration. Is there objection? The Chair hears none.

Mr. WOLCOTT. Now I yield to the Senator from Montana.

#### SETTLERS ON NORTHERN PACIFIC RAILROAD GRANT.

Mr. CARTER. I now ask that the Senate proceed to consider the amendments of the House of Representatives to the bill (S. 4306) for the relief of settlers under the public-land laws to lands within the indemnity limits of the grant to the Northern Pacific Railroad Company; and I move that the Senate concur in the amendments of the House of Representatives.

Mr. BUTLER. I ask the Senator to let that bill go over. We can not dispose of it now before taking up the Post-Office appropriation bill.

Mr. CARTER. I have no interest in the bill, except that it comes from the Committee on Public Lands. I will state to the Senator that it only involves the interest of a few settlers to whom lands were inadvertently patented by the United States. By a decision of the Supreme Court of the United States the lands embraced in the respective patents, about fifteen in number, I think, are held to have been erroneously patented. This bill contemplates quieting title, to the end that each of these settlers in this predicament may not be subjected to ejectment proceedings. It is a very small bill in its scope, and yet the effect upon these struggling men of being ejected from the homes they have improved will be very serious.

Mr. CHANDLER. I ask the Senator if the Committee on Public Lands has instructed him to move concurrence in the House amendments?

Mr. CARTER. I have been requested to do so.

Mr. SPOONER. I ask the Senator from Montana whether there is not an existing law, under which the Secretary of the Interior has the right to demand a reconveyance of lands improperly conveyed, and authorizing the entry of suit to set aside a patent where the original conveyance was incorrect?

Mr. CARTER. That law exists, but of course the Senator's question induces an explanation of this subject.

The lands in question were in good faith, but under an erroneous construction of the law, patented by the United States to the respective settlers acquiring the tracts of land. The patents were issued long ago; the settlers have improved their places and are now living upon the lands. The lands are quite valuable, I am informed.

Mr. SPOONER. I see the Senator's point. I misunderstood what the Senator said in the first place in regard to quieting title, and thought it was land improperly conveyed to railroads.

Mr. CARTER. Oh, no. The purpose of the Government now is to leave these settlers undisturbed upon the lands to which they have obtained patents through an erroneous construction of the law. This is, in short, a bill to quiet their titles; and, in order to secure the quieting of titles to the settlers, the company holding the legal title—the paramount title—will be permitted to select other lands in lieu of those thus confirmed in the settlers to whom the patents were erroneously issued.

Mr. BUTLER. Mr. President, I remember that when this bill was up at the last session we made some amendments to it, and I remember the discussion regarding the bill. My recollection is that the House strikes out some of those amendments which we adopted. We can not dispose of the bill now without further examination. So I call for the regular order.

Mr. CARTER. I ask that the bill may lie on the table until the Senator can have an opportunity to examine it.

The PRESIDENT pro tempore. The Senator from Montana asks that the bill may retain its place.

Mr. CARTER. I ask that the bill may remain upon the table for the present.

The PRESIDENT pro tempore. The Chair hears no objection, and that order will be made.

#### PROMOTION OF COMMERCE AND INCREASE OF TRADE.

Mr. WOLCOTT. The Senator from Alabama [Mr. PETTUS] gave notice last week that at the close of the morning business to-day he would address the Senate upon the shipping bill. Although I think all members of the Senate will agree with me as to the importance of the disposal of the appropriation bills, yet I feel that, under the circumstances, propriety requires that the Post-Office appropriation bill should be temporarily passed over, to enable the Senator from Alabama to address the Senate. I am prepared to respond this morning to the notice the Senator from Alabama has given. I wish merely to say that I shall not give way to any other business after the Senator from Alabama shall have concluded his remarks.

The Senate, as in Committee of the Whole, resumed the consid-

eration of the bill (S. 727) to promote the commerce and increase the foreign trade of the United States, and to provide auxiliary cruisers, transports, and seamen for Government use when necessary.

Mr. PETTUS. Mr. President, my thanks are due for the courtesy of the Senator in charge of the important Post-Office appropriation bill, and I will accept the favor he has granted me.

And, Mr. President, I ask another favor. I ask that Senators shall not be called into this Chamber to hear my feeble remarks.

Mr. President, the great questions presented in this bill, and the many millions it, if enacted, will take out of the Treasury, are my excuse and justification for making an argument after the measure has been discussed by others.

And I will ask the Senate to be patient with me if I comment on points already made, as I must of necessity do so, because I follow in this debate great lawyers who commonly see all the points involved; and this bill, in its origin, was framed and parsed over by that preeminent lawyer and ex-Senator who was employed to draft this bill, and who is so great a master of logic that if he had lived in Butler's day he would be believed to have been the man—

Who can distinguish and divide  
A hair 'twixt south and southwest side.

No man can overestimate the powers of that preeminent lawyer (ex-Senator Edmunds), either as to his clearness of vision, his power of condensation, the scope of his law learning, or his ability to cipher around the truth. In considering the merit of any work he has performed, you would generally err in your judgment of it, if you neglected to consider the circumstances under which the work was done. Here he worked for his clients, and for their special benefit, and under their suggestions, and to effect their purposes.

The general repute of that most eminent man authorizes me to say that, as a Senator of the United States, he never could have written this bill. And it also justifies me in quoting from that learned philosopher, David Harum—"There is just as much human nature in some people as in others."

So, Mr. President, I insist that it will not do to pass this bill merely because it is covered over and obscured under the shadow of a great name. And far less will it do to pass it merely because the great financiers, who were the incubators of and beneficiaries under the bill, know more about ships and shipbuilding, and "what the moralists call overreaching," than any Senator, or all of the Senators combined. Their claim to all this superior knowledge is admitted. But—

I'll no say men are villains a';  
The real, hardened, wicked,  
Wha hae nae check but human law,  
Are to a few restricted.  
But, och! mankind are unco weak,  
And little to be trusted;  
If self the wavering balance shake,  
It's rarely right adjusted.

Burns, though not a Puritan or a Pharisee, had studied human nature, and his conclusion, above quoted, is sustained by Sir William Blackstone, who declares, as the law, that "Parliament, though omnipotent, can not make a man a judge in his own case." Has this Senate more power than Parliament? Are not some one or more Senators judging their own case here?

Mr. President, let us lay aside the great names which have been used to protect and shield this measure from just criticism and look at the bill itself in its naked deformity; and as I have been nearly all of my manhood's years engaged diligently in the study of the law of the land, I will first call attention to some of the great rules of the "supreme law" under which the Congress is bound to act in this case if the Congress is still bound "to support the Constitution of the United States;" and for the purposes of this argument, merely, I shall assume that the Congress is so bound, though not without fear of contradiction.

It is admitted that the Congress has the power—

To regulate commerce with foreign nations, among the several States, and with the Indian tribes.

And Congress has power—

to provide and maintain a Navy.

This power "to regulate commerce," as it was originally proposed in the convention which framed the Constitution, was greatly feared by some of the members of that convention of wise patriots, and particularly by members from Maryland.

Mr. President, the wisdom and foresight of the great men of that convention are marvelous. They seem to have been endowed by their Creator with power to foresee and foretell what would be the conduct of this Government more than one hundred years in the then future. And they tried to provide checks and restrictions upon the powers granted, so as to prevent the dire evils and calamities which they clearly foresaw and foretold would result from powers granted, if not restricted. For example, when the power "to raise and support armies" was being considered an effort was made to forbid "standing armies in time of peace;" and



the evils to come from that power unrestricted were clearly foreseen and foretold. Now we have a part of the evils so pointed out clearly before us in a large Regular Army of about 100,000 men, with a part of it carrying on a war in the interior of China, without the authority of Congress, and in alliance with "the great powers," as they are called, and this alliance without "the advice and consent of the Senate." Other evils resulting from the unlimited power to raise armies, foretold by some of the wise men of that convention, are to come. And come they will, if there be any truth in history. But it has been declared here that the power to raise armies is not unrestricted, that the Congress may refuse to grant supplies. Why, Mr. President, the Congress was the very body which some of these wise men sought to restrain from raising standing armies in time of peace, and their most wonderful foresight is now made manifest.

But let us return from this digression.

When it was proposed to delegate to the Congress the power "to regulate commerce," the wise men from Maryland, endowed with "mystical lore," again objected and stated, in substance, that the Congress, if it had this unlimited power to regulate commerce, might foster and give preference to the ports of one State over the ports of other States. That objection was sustained; for the evil pointed out and to be guarded against was not in the dim distance of one hundred years, but, on the contrary, it was in the then near future, and it required no "mystical lore" to see it. So it was plainly seen, and, after a special committee had considered the matter, was guarded against and the power "to regulate commerce" was limited by the adoption of a provision now in the Constitution in these words:

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another.

That clause is a part of section 9 of Article I, and it has never been changed.

The Supreme Court of the United States, in *Marbury vs. Madison* (1 Cranch.), declared that "An act of Congress repugnant to the Constitution is void."

This decision has been so often followed and never disputed by that court that it is now a maxim, well known to Senators and never disputed, except by those who think that the Constitution has served the purposes for which it was adopted, and that we ought now to regulate commerce and all other things by "institutional law."

Now, the practical question is, whether this bill, in its present shape, does "give a preference to the ports of one State over another." If it does, all Senators who are willing to "support the Constitution" must vote against the bill—in other words, if the bill is repugnant to the Constitution, Senators so believing must "give a preference" to the Constitution.

First. This bill does "give a preference" to all the ports on the Atlantic side of the United States over the ports of California, Oregon, and Washington, in this:

It divides the subsidy of \$9,000,000 per annum into two parts, and gives seven-tenths to ports on the Atlantic side and only three-tenths to the Pacific ports.

If this preference was not intended, then the division of the nine millions into two parts has no sense or purpose in it.

Heretofore, if any Senator pronounced the word "ship" inside the Chamber in a voice ever so low, that word was always heard by and, if necessary, answered by California. And California has answered.

It is not a satisfactory "divide," for, although practically three-tenths of the nine millions may be as much as the Pacific ports would earn in a year under an impartial law, yet I know from woeful experience the deep mortification of seeing the State in which I lived declared by the law to be inferior in its rights to other States. It is a condition to which no manly people would submit if they could help themselves.

Second. This bill picks out (by description which identifies them as clearly as if their names were given) vessels of the port of New York, in the State of New York, to receive of this bounty or subsidy, thus giving a preference to the port of New York over the ports of every other State in the United States. Section 10, clause (a).

Third. The bill also picks out four other foreign vessels, to be built, but now contracted for, for the port of New York, to receive of this subsidy, thus giving a preference to the port of New York over the ports of other States. Section 10, clause (b), page 16.

These last-named steamships to be built are described as having been under contract, copies of the contracts having been filed in the office of the Secretary of the Treasury on or before the 1st day of February, 1899, and to be in the course of construction on or before the 1st day of January, 1900. These four ships belong to the same foreign corporation, the International Navigation Company.

In the name of all things fair and legal, under what law and for what purpose were these contracts for the building of steam-

ships in a foreign country filed in the office of our Secretary of the Treasury? Is such a thing consistent with "fair play," so dear to every true man? Were they so filed to gain a preference over others; and is this Senate to become a party to such a concocted scheme of fraud thus apparent on the face of the bill?

That International Navigation Company, chartered abroad but owned in New York, got this preference by first filing copies of their contracts for the construction of four ships in the office of the Secretary of the Treasury; but there was no law authorizing the filing of such contracts in that office.

Why not name the owner and his vessels to be the beneficiaries of this subsidy? If you do, the law would be void on grounds other than the clause forbidding the giving a preference to the ports of one State over another. Can you do indirectly that which the law says you shall not do directly?

Fourth. In clause (b) of the first section of this bill there is what might justly be called a "rapid-firing" preference gun. It has a thin gauze covering, but if you will merely glance at the map of the United States you will see the many preferences given to the ports of certain States over the ports of other States. This clause (b) fixes the subsidy to be paid partly by mileage per ton and partly by the aggregate distance of the voyage outward and homeward. The vessels of the common class are to be paid out of this subsidy 1½ cents per gross ton for each 100 miles outward not exceeding 1,500 miles, and the same amount for the homeward voyage not exceeding 1,500 miles; but for the miles exceeding 1,500 outward only 1 cent per gross ton per 100 miles is allowed, and the same rule applies to the homeward voyage exceeding 1,500 miles. This complicated and double rule for measuring the amount of subsidy to be paid each vessel has no sense in it, if it were not for the cunning device of carrying out the intent to benefit and build up the ports of certain States to the detriment and loss of the ports of other States. For we all know that a small difference in the cost of transportation from or to one port as compared with another competing port will have a powerful effect in turning the trade to that port where this cost of transportation is the smallest.

Liverpool is the center of our trade across the Atlantic; and Liverpool is about 3,000 miles from New York, and about 4,000 miles from New Orleans, and about 5,000 miles from St. Louis; and all of the three cities last named are ports of the United States, in different States. Yet this bill is so fitted to the geography that New York ships get a larger pay per ton per mile of voyage to and from Liverpool than the ports of any part of the United States not located on the North Atlantic coast. The difference in the pay per mile between vessels, one going from New York to Liverpool and the other going from St. Louis to Liverpool, is very largely in favor of New York, though the two vessels were of the same tonnage.

Fifth. The preference given by this bill to ports of one State over another is strongly shown by another crafty provision, most innocently inserted by those who ciphered out the division of the spoils on geographical lines; and they did cipher them out to an exact percentage.

This bill provides that "a vessel on a voyage less than one-half of the whole length of which, on her outward and homeward voyages, respectively, shall have been on sea between a port of the United States and a foreign port" shall have no part of the subsidy. Section 9, clause (h), page 13.

Now, in considering this clause turn your minds to Chicago, a port of Illinois, and St. Louis, a port of Missouri. These cities are great rivals, each striving to control the trade of the great Northwest, a section of our country so wonderfully productive that it can feed a large part of the world.

A vessel loaded in Chicago with mules, meat, and flour goes on a voyage to Habana, sells her cargo, takes on her load of sugar and tobacco, and returns to her home port, and under the provisions of this bill that vessel gets pay out of the tax money for every mile she traveled either on fresh water or "on the sea."

Per contra, a vessel loaded in St. Louis with mules, meat, and flour goes on a voyage to Habana, sells her cargo, takes on her load of sugar and tobacco, and returns to her home port; and she is paid under this bill not one continental "fo' pen' sa' penny." And yet we are told that there is no discrimination between ports of different States.

The great Senator from New York (the junior of the great Senators of that empire)—a great lawyer, learned in gigantic financial manipulations and in the wonderful systems by which every city and hamlet and man in the United States are made to pay tribute to New York—this greatest of American orators, known all over our country and all over the lands of "the great powers," declared in the Senate, in discussing this measure, as follows:

This bill creates no favors, it fosters no interests, but lays down universal rules by which the capital and enterprise of the people can demand their share of this subsidy.

Big Brobdignags and little Lilliputians! What a piscatorial narrative!



Sixth. Mr. President, another separate clause of this bill gives the preference to the ports of certain States over the ports of other States, forbidden by the provision of the Constitution, which I have quoted.

The paragraph marked (g), of section 8, pages 12 and 13, provides as follows:

A vessel, on a voyage extending only to a foreign port less than 150 nautical miles from her last port of departure in the United States at which cargo, passengers, or mails shall have been taken—shall take nothing under this bill.

The Plant Line, as it is commonly called, running from Key West to Panama, a distance less than 100 miles, could take no benefit under this subsidy.

There has been for years a fierce controversy about "long hauls" and "short hauls." This bill contains a striking absurdity about these "long and short hauls."

One part of this bill gives less pay per mile to the "long hauls" than it gives to "short hauls" (which are 1,500 miles outward and 1,500 miles homeward); but this clause gives no pay to the vessel going on a voyage which this bill, in substance, defines to be "the short haul."

There must be a reason or cause for this curious absurdity. There is a cause. New York is nearer to Liverpool and other great markets across the Atlantic than other ports, but New York is not within 150 miles of any other point of land on earth outside the United States. And this is a New York bill. It is a native of New York, and that great city is now the center and arbiter of our trade and in the near future it will probably be the center of the trade of the world. Can it never be said, "It is enough?"

Now, Mr. President, having shown six separate clauses of this bill which give preference to the ports of certain States over the ports of other States, let us glance at decisions of the Supreme Court concerning such preferences.

See the case of *The State of Pennsylvania vs. Wheeling and Belmont Bridge Company*, 18 Howard, pages 434-435, where Justice Nelson defines the meaning. He says:

What is forbidden is, not discrimination between individual ports within the same or different States, but discrimination between States—page 435. It "looks to a prohibition against granting privileges or immunities to vessels entering or clearing from the ports of one State over those of another. That these privileges and immunities, whatever they may be, in the judgment of Congress, shall be common and equal in all the ports of the several States."

And in *Munn vs. Illinois*, 94 United States, page 135, Chief Justice Waite says:

The remaining question, to wit, that the statute in its present form is repugnant to section 9, article 1, of the Constitution of the United States, because it gives preference to the ports of one State over those of another, may be disposed of by the single remark that this provision operates as a limitation on the powers of Congress, and in no respect affects the States in the regulation of their domestic affairs.

There are other features of gross preference and unfairness. For example:

1. Large vessels get more than small vessels per ton, though of the same speed, if each runs over 12 knots.
2. But nothing is allowed in any case for speed if the vessel is under 2,000 tons.
3. Passenger steamships are given a decided advantage over a freight vessel, though they be of the same tonnage, over 2,000 tons, and of the same speed, over 12 knots, in this:

Both get the same subsidy for freight if their cargo is over one-half of their tonnage. But the passenger steamship gets full pay for all its gross tonnage, and has nearly half its tonnage capacity left to give room for its passengers. So it is manifest that the clause giving full pay for half a cargo was put into this bill as a favor and advantage to the fine passenger steamers. Here the International Navigation Company and other New York men are preferred.

4. Large vessels can not go to or from our inland ports. So the large seaports are preferred to ports on the rivers and lakes.

Here are a few sums ciphered out by the rules stated in this bill, and they show a vast preference in violation of this constitutional rule:

1. A vessel of less than 12 knots per hour, of 2,000 tons, on a voyage from New York to Liverpool (say 3,000 miles) would receive  $1\frac{1}{2}$  cents per ton per hundred miles for 1,500 miles and 1 cent per ton per hundred miles for the balance of the trip, making in all \$750 for each trip outward.

Now per contra:

2. A vessel of 2,000 tons making the same voyage, if its speed were over 12 knots per hour, would receive  $1\frac{1}{2}$  cents per ton per hundred miles for 1,500 miles and 1 cent per ton per hundred miles for the balance of the trip; and in addition thereto would receive one-half of 1 cent per ton per hundred miles for the whole trip of 3,000 miles, making in all \$1,050—40 per cent. Exactly 40 per cent.

Oh, this was all ciphered out beforehand by the wise men in Wall street.

3. A steam vessel of 4,000 tons with a speed of less than 12 knots per hour, making a trip from New York to Liverpool (say

3,000 miles), would receive  $1\frac{1}{2}$  cents per ton per hundred miles for 1,500 miles of the trip and 1 cent per ton per hundred miles for the balance of the trip, making in all for the outward voyage \$1,500.

Per contra:

4. A steam vessel of 4,000 tons, of 17 knots per hour or over, making the same trip, would receive  $1\frac{1}{2}$  cents per ton per hundred miles for 1,500 miles of the trip and 1 cent per ton per hundred miles for the balance of the trip; and in addition thereto would receive 1.4 cents per ton per hundred miles for the whole trip, making in all for the outward trip \$3,180, or 112 per cent exactly.

Oh, it has been ciphered, and ciphered, and ciphered!

These sums demonstrate the wonderful intellectual force of the framers of this bill and their clear comprehension of commercial advantages, resulting from having your own lawyer to write the laws for you, so as to fit the law to the facts and circumstances of your case.

The moral part of the transaction, if any, may well be referred to Dr. Paley or one of his successors. I will only say it might be a little like the comment on an ex-Senator from Alabama, who was then in the law practice with a partner—both great lawyers and good men—real leaders at the bar. They practiced in the wire-grass counties of Alabama. In the summer of 1865 cotton was selling as high as 50 cents per pound. "The Yankees" (I merely quote) wanted the cotton and they took the cotton. From one old farmer they took over 100 bales, merely on the plea that they needed it in their business. The ex-Senator and his partner (Colonel C.) were employed to recover the cotton. But about that time Colonel C. went off on business and the ex-Senator was left to manage the case alone. He was equal to the task, or almost any other, if ability was the thing needed. There were no courts. So the ex-Senator went to the head military officer of that "province" and recovered the cotton and received his fee. If you had ever heard his voice (deep as a church bell, earnest almost to adjuration, with will power in every tone) you would know why that cotton did not go into the dive for "captured and abandoned property." Colonel C. returned, sad and poor, repeating over to himself, to keep up his courage—

Is there, for honest poverty,

That hangs its head, and a' that?

The coward slave, we pass him by,

We dare be poor for a' that!

For a' that, and a' that,

Our toil's obscure, and a' that;

The rank is but the guinea's stamp;

The man's the gowd for a' that.

This Colonel was not accustomed to being poor, nor did he have any "longing" for the beauties or blessings of poverty. He went to his office and met his partner, who handed him \$2,500 without saying a word. "What am I to do with all this money?" demanded the Colonel. "That is your half of our fee in the cotton case," answered his partner.

The Colonel counted over the money with great gravity, yet solemnly smiling, and when he had finished the count he turned to his partner and with philosophical solemnity remarked, shaking his head: "Well, well, we have escaped the poorhouse, but are we not rubbing up against the walls of the penitentiary?" [Laughter.]

Mr. President, "I tell the tale as it was told to me." It is old, and there are other versions. The beneficiaries under this bill, if it passes, can never be in danger of the poorhouse.

There is a very unusual and crafty method in this bill; the subsidy must first be contracted for, and the contract is to be made by the United States of the first part, acting by the Secretary of the Treasury, and the shipowner on the other part. The purpose in framing the act so as to operate by contract and not directly is twofold. The first purpose is to prefer favorites, whose ships are distinctly pointed out by description, partly finished and with an established trade, and partly to be built in foreign shipyards, with contracts for their building, filed two years ago, illegally, in the office of the Secretary of the Treasury, as I have heretofore explained.

The second purpose is to fasten liability on the United States by a contract which, the shipowners claim and this bill provides, can not be changed or violated without impairing the obligation of the contract.

This is a radical departure from the ordinary course of legislation. For example, the Congress for years has been engaged every session in granting authority to railroads and other corporations to build bridges across the navigable waters in the States and Territories. These grants of authority to build bridges always amount to a contract between the United States and the bridge owner, because the United States always requires that the Government shall have the right to use the bridge as a post road and highway, so that there is a consideration for the grant. These bridges are very costly, some of them costing over \$100,000 and some of them costing over \$1,000,000. Yet the Congress always puts into these bridge acts the clause reserving the right on the part of the Government to amend or repeal the grant at any time in the future.



We are all accustomed to see the bridge bills reported by the junior Senator from Missouri [Mr. VEST], and he, with the eye of an eagle and courage unlimited, sees at a glance the omission of the repealing clause, as well as the vices in other bills, and points out such vices so clearly that the blind are made to see them.

Last Saturday a Senator from North Carolina [Mr. BUTLER], with optics sharp

To see what is not to be seen—

found where the Senator from Missouri had slipped up and omitted to put in the clause for the repeal, as he supposed or guessed at. In consequence, the bill was amended so as to put in the repealing clause. In that way we had two repealing clauses in the same bill, and this morning the Senator from Missouri modestly suggested that he did not think two repealing clauses ought to be in the same bill, and by a legislative turn-back the bill now has but one repealing clause. Then the Senator from South Dakota [Mr. PETTIGREW], who also has a keen vision, and who sees the thing whether it is there or not, charged the Senator from Missouri with omitting the clause allowing the use of a certain bridge by other railroads, but on looking into the RECORD it was found that that omission was, against the protest of the Senator from Missouri, ordered by the committee as a special exception.

Mr. President, a mighty and helping hand will be lost by this Senate and this country when this great debater from Missouri retires to private life.

These bridges are considered of vast importance to commerce in the States and Territories, and to the United States as a Government; but Congress has manifested an absolute determination not to allow any of these bridge acts to be made irrevocable; so Congress can at any time repeal any bridge act and thus make the bridge an unlawful structure, and force the owners to pull it down.

Here, however, these favorites, shipowners, are to be protected and made secure by an irrevocable contract intended to secure to them this most extravagant bounty through the long years named in the bill.

Now, suppose the Congress should deem it wise to repeal this act, and had reserved the power to do so, what would the shipowners lose? Nothing in the world but the subsidy. Their ships would still be their own, to be used as they chose to use them in any lawful trade; they would have no costly structures destroyed by the repeal of the bill, as the bridge owners would have if their bridge acts were repealed after the bridges were built.

So it is made manifest that the beneficiaries under this bill, if it passes, are to be declared prime favorites of the nation—far more dear than even the transcontinental railroads.

Mr. President, there is something radically wrong with this bill.

The junior Senator from South Carolina, with very marked ability and with the enthusiastic heat of a convert, distinguished himself over all his associates in advocating the passage of this bill.

South Carolina has never been famous for the graceful ease with which she surrenders her rights or her opinions or the ground on which she had taken her stand. I call General Jackson to prove that South Carolina maintained her rights, as she claimed them, with a firmness amounting to obstinacy. Calhoun may testify that her opinions were never surrendered by his State in his day and generation.

And let Elliott, on the ruins of Fort Sumter (whose modesty and brave endurance will forever honor South Carolina), and let the patriot soldiers, the "Palmetto Regiment" (the equal, if not superior, of any other regiment that ever fought for the United States), marching, under General Scott, "the road to death as to a festival" let all say how South Carolina held the ground on which she had taken her stand.

But times change and men change with the times. There was a time when no Democrat could vote to make this bill a law, because that party declared such measures repugnant to the Constitution, and declared for "fair play," for equal rights to all and special privileges to none.

The junior Senator from South Carolina in advocating this bill gave as a beautiful and interesting picture of the improved and still improving condition of the South in certain industries, and we all rejoice that these industries are prosperous and multiplying. The farmers and their business are not so fortunate, for though not as miserably encumbered as they have been, the mortgage curse is still upon them, and the tax curse is growing from bad to worse—especially the Federal taxation which has been growing larger and larger—for the plain purpose of enabling the Congress to pass measures like this, which gives \$9,000,000 each year for twenty-five years, amounting in the aggregate to \$225,000,000, to corporations and other shipowners. Every dollar of all these millions must come out of the pockets of the people. Yet, so far as I can understand, no farmer, as such, will be benefited to the amount of one cent by this monstrous extravagance. The only right to enact this bill is the fact stated by the wise man, "The rich ruleth over the poor."

It has been a fashion of some thirty years' standing, when a

statesman in our part of the world has made up his mind to turn his back on his party and his people he begins by praising trade and commerce and manufactories as more important than all other branches of industry, and this leads to the conclusion, in his mind, that all other industries and mankind generally should be taxed for the "protection" and support of these most important industries, as he calls them. Then it is an easy thing for him to convince himself that the opinions of the protected classes are of more value than the opinions of "All the world and the rest of mankind." Finally he announces that he has abandoned all his provincial prejudices and become a broad-minded American, and intends thereafter to follow the broad way of a statesman.

The PRESIDING OFFICER (Mr. BEVERIDGE in the chair). The Senator from Alabama will suspend for a moment while the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 3717) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine.

Mr. SPOONER. I ask unanimous consent that the unfinished business be temporarily laid aside, without losing its place, pending the conclusion of the Senator's speech and the consideration of the Post-Office appropriation bill.

Mr. PETTUS. I am nearly through.

The PRESIDING OFFICER. The Senator from Wisconsin asks that the unfinished business be temporarily laid aside during the remainder of the Senator's remarks and the consideration of the Post-Office appropriation bill. Is there objection? The Chair hears none, and it is so ordered.

Mr. PETTUS. Mr. President, if a Presbyterian pastor should preach to his congregation to the effect that the only safe road to the Promised Land went through baptism by immersion, some elder of that church whose "stocking had a deep, deep tinge of blue" would be certain to say, "If our pastor is a Presbyterian, he has a baneful Baptist bias."

So, if a Democrat should declare the wisdom, good policy, and impartial fairness of this bill, some plain Democrat might be tempted to exclaim, "If he is a Democrat, he has most remarkable 'Radical' proclivities."

Or, this plain Democrat, if he was in the habit of thinking in the language of the Bible, would probably say, "Ephraim is joined to his idols. Let him alone."

Mr. President, before we all get into this broad way of the broad-minded American statesmen—of taxing and grinding three-fourths of the people for the purpose of fostering and protecting a class—it would be a prudent precaution to look into "The Book" and try to learn "where we are at" and to what place we are going. We can get the needed information by reading Matthew vii: 13, as my preacher cites it.

A broad-minded American statesman some years ago was understood to mean a very great man, helping to govern this country, but in these years it means a man too big to stand inside the Constitution.

Mr. President, 1855 was the "Know-nothing year," and our thanks are due to the Master that they never had but one year. In that year the Know-nothings took all Alabama—as they supposed. Winston was governor, and he was the Democratic candidate for reelection.

Shortridge was a candidate for governor also. He had been a Democrat; but what he was then the people did not know. We had never seen a live Know-nothing, though everybody and the newspapers were mostly talking about them, and Shortridge was suspected of being one. These candidates met for the first time in Huntsville. Winston spoke first, and he had much to say against the Know-nothings and their secret way of planning and plotting, though he declared that he had never seen a live Know-nothing.

Shortridge followed. He was tall and handsome. He stood looking a second at Winston, then said: "Governor, you say that you never saw a live Know-nothing. Look here," placing his hand on his breast, "Here is a live Know-nothing."

"Yes," replied Winston, in a sharp, ringing voice, "a live Know-nothing, and a dead Democrat."

And the people said, "Amen." [Laughter.]

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2432) granting an increase of pension to James A. Thomas.

The message also transmitted to the Senate resolutions of the House commemorative of the life and public services of Hon. JOHN H. HOFFECKER, late a Representative from the State of Delaware.

The message further announced that the House had passed a



bill (H. R. 9829) to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory by the United States by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea, in the city of St. Louis, in the State of Missouri; in which it requested the concurrence of the Senate.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

A bill (H. R. 321) for the relief of legal representative of Samuel Tewksbury, deceased;

A bill (H. R. 3206) to correct the military record of Thomas Dunn;

A bill (H. R. 3599) for the relief of Lewis M. Millard;

A bill (H. R. 5324) for the relief of the employees of William M. Jacobs;

A bill (H. R. 8474) to remove the charge of desertion from the military record of Gustavus Adolphus Thompson;

A bill (H. R. 10700) to confirm a lease with Seneca Nation of Indians;

A bill (H. R. 11786) to declare a branch of the Mississippi River opposite the city of La Crosse, Wis., and known as West Channel, to be unnavigable, and that the said city be relieved of necessity of maintaining a draw or pontoon bridge over said West Channel;

A bill (H. R. 13633) to amend section 4472 of the Revised Statutes so as to permit the transportation by steam vessels of gasoline and other products of petroleum when carried by motor vehicles (commonly known as automobiles) when used as source of motive power; and

A bill (H. R. 13706) regulating assessments for water mains in the District of Columbia.

#### PAYMENT OF CERTAIN CLAIMS.

Mr. WARREN. I wish to ask unanimous consent that when the Senate adjourn to-day it be until 10 o'clock to-morrow morning, in order that immediately after the routine business we may take up for reading the bill (H. R. 13382) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes, known as the omnibus bill, and proceed with its consideration until the floor is called for by some more privileged bill or question.

The PRESIDING OFFICER. The Senator from Wyoming asks unanimous consent that when the Senate adjourn this evening it shall be to meet at 10 o'clock to-morrow morning, to read and consider what is known as the omnibus claims bill. Is there objection?

Mr. BUTLER. I object.

Mr. BACON. I wish to inquire how much of the morning will be consumed in reading the bill?

The PRESIDING OFFICER. Objection is made.

Mr. BACON. I do not object.

The PRESIDING OFFICER. The Chair will state to the Senator from Georgia that objection was made.

Mr. BACON. Very well.

Mr. WARREN. Do I understand that there is objection to my request?

The PRESIDING OFFICER. Objection was made by the Senator from North Carolina [Mr. BUTLER].

#### HOUSE BILL REFERRED.

The bill (H. R. 9829) to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory by the United States by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea in the city of St. Louis, in the State of Missouri, was read twice by its title, and referred to the Select Committee on Industrial Expositions.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on this day approved and signed the following acts:

An act (S. 419) amending the act providing for the appointment of a Mississippi River Commission, etc., approved June 28, 1879; and

An act (S. 5775) to authorize the Glassport Bridge Company to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania.

#### POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13729) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1902.

Mr. WOLCOTT. Mr. President, I ask that, in accordance with the unanimous-consent agreement, the committee amendments to the bill be first read. Perhaps before the bill is considered it

would be of interest to the Senate if I should, in a few words, state the general scope and character of the appropriation bill of this year as compared with the appropriations of last year.

The bill now reported to the Senate carries appropriations of \$124,308,083.75; the amount of the bill as it came from the other House was \$123,782,688.75; the Senate amendments have added \$525,400. Those include \$500,000 for pneumatic-tube service, \$20,000 for experimental free rural delivery in hamlets and small towns which are not now receiving rural free mail delivery and in which the carrier system does not prevail, \$1,000 to enable the Postmaster-General to experiment with economic postage or other patents for return postal cards without the prepayment of postage, and a small increase in the salaries of superintendents of the Railway Mail Service.

The bill as reported from the committee adds to the appropriations of a year ago something over \$10,000,000. This increase comes chiefly from a few items. The sum of \$1,750,000 is added for rural free delivery, something like \$2,000,000 is added for salaries of postmasters growing automatically from the increase of business under existing law, some \$800,000 comes for increased mail pay because of the increased weight of the mail carried and the increased number of postal cars in use, for increase of salaries of post-office clerks the amount is \$1,534,000, and for letter carriers \$1,293,000.

These items cover the increases of the bill as it came from the House and as reported to the Senate over the appropriations of last year.

It may also interest the Senate to know the percentages of increases. Two years ago the appropriations were increased 3.6 per cent, with an increase of revenues of 7.15 per cent. For the fiscal year 1900-1901 the Post-Office appropriations were increased 7.7 per cent and the increase of postal receipts was 7.5 per cent. Under this bill the increase is 9.37 and the increase of revenues is estimated at 5.66 per cent. The deficiency estimated in the postal receipts for the current year is something exceeding \$8,000,000.

I think that perhaps covers the general figures of the bill. I will ask that the Secretary now state the Senate committee amendments, the first one of which is on page 12.

Mr. CHANDLER. I ask the chairman of the committee whether he has any statement of the actual postal deficiencies in preceding years?

Mr. WOLCOTT. Yes.

Mr. CHANDLER. The amount is about \$8,000,000 this year.

Mr. WOLCOTT. I will state to the Senator from New Hampshire that I have the deficit for every year from 1880, and I will say to the Senate that since 1880, for the last twenty years, there has been a deficit in the receipts as compared with the expenditures of the Post-Office Department, except during the years 1882 and 1883. Going back ten years, I will say to the Senate that the deficit, in round numbers, in 1890 was \$5,000,000; in 1891, \$8,000,000; in 1892, \$6,000,000; in 1893, \$5,000,000; in 1894, \$9,000,000; in 1895, \$9,000,000; in 1896, \$8,000,000; in 1897, \$11,000,000; in 1898, \$9,000,000, and in 1899, \$6,000,000.

The deficit for the present year, as I have said, is estimated at \$8,000,000, and the Senator from New Hampshire and the Senate will understand that this deficit in the revenues of the Post-Office Department exists notwithstanding the enormous increase of first-class postage; but it arises from the fact, that has been stated again and again in the Senate, that 65 per cent of the weight of the mail carried through the country is transported for 3 per cent of the revenue derived from it. I refer to second-class mail matter, which is carried at 1 cent a pound.

Now, I ask that the amendments of the committee be read and acted upon.

The PRESIDING OFFICER. The Chair will state, for the information of the Senator from Colorado, that the unanimous-consent agreement was that the bill be read and that the committee amendments be first acted upon; not that the committee amendments alone be read.

Mr. WOLCOTT. Very well.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary proceeded to read the bill (H. R. 13729) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1902, which had been reported from the Committee on Post-Offices and Post-Roads with amendments.

The first amendment was, under the subhead "Office of the First Assistant Postmaster-General," on page 12, line 6, after the word "rental," to insert "or purchase;" so as to read:

For rental or purchase of canceling machines and motors and power therefor, \$190,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 24, to insert:

For the experiment in cities, towns, and villages not now free-delivery offices of the delivery of mail through mail repositories or compartment boxes, including the cost of the boxes, repository, and salary of persons to serve such box or repository, \$20,000.

The amendment was agreed to.



The next amendment was, under the subhead "Office of the Second Assistant Postmaster-General," on page 16, after line 4, to insert:

For transportation of mail by pneumatic tube or other devices, by purchase or otherwise, \$500,000; and all existing provisions of law prohibiting additional contracts for pneumatic-tube service are hereby repealed.

Mr. BUTLER. Mr. President—

Mr. WOLCOTT. Just a moment, if the Senator will permit me. This amendment is certain to meet with discussion. The former amendment, a few pages back, was adopted by the Senate as to the experiment of rural free delivery in villages. As to this amendment, if there be no objection, I should be glad if it could go over, and so much of the bill as is not subject to discussion be passed first, and then we can come back to the contested items, if that meets the views of the Senator from North Carolina.

Mr. BUTLER. Very well.

Mr. MASON. Mr. President, I desire to make this suggestion, with the consent of the chairman. I am informed that the Senator from North Carolina is to discuss the question of railway mail pay. I happened to be absent from the Chamber for a few moments, and I should like to have it understood if we are to have an opportunity to discuss that amendment.

Mr. WOLCOTT. Certainly. We shall discuss all the amendments in their order. It is a matter immaterial to me. There are only about three items that I think are to be discussed; and it seems to me, if we can finish the rest of the bill first, it would be better to do so.

Mr. CHANDLER. Then I understand that in a general way all the controverted questions go over until the whole bill is read?

Mr. WOLCOTT. Yes; all the committee amendments that are controverted will go over until the bill has been read and the amendments adopted to such an extent as we can agree to them. Then we can go back to the committee amendments as to which there is a controversy, and determine those.

Mr. CHANDLER. The entire bill to be read as far as it is unobjected to?

Mr. WOLCOTT. Yes.

Mr. KENNEY. This is the first amendment about which there is any controversy?

Mr. WOLCOTT. The first one.

Mr. KENNEY. And, as I understand, there are only two more?

Mr. WOLCOTT. Only two more.

Mr. MASON. But I understand the amendment regarding railway mail pay will be first discussed.

Mr. WOLCOTT. That is a matter of indifference to me.

Mr. MASON. Mr. President—

Mr. WOLCOTT. I wish to correct myself. The question of railway mail pay is not a committee amendment.

Mr. MASON. I understand that. I only stated that the Senator from North Carolina [Mr. BUTLER] desired to address himself to that subject.

Mr. WOLCOTT. I suppose we shall dispose of the committee amendments first.

Mr. LODGE. But the question of railway mail pay is open to debate at any time?

Mr. WOLCOTT. Yes.

Mr. LODGE. We are only disposing now of committee amendments?

Mr. WOLCOTT. Of committee amendments; that is all.

The PRESIDING OFFICER (Mr. CLAY in the chair). The Chair understands the Senator from Colorado to ask to have the contested committee amendments passed over until the other amendments are disposed of?

Mr. WOLCOTT. Yes.

The PRESIDING OFFICER. The Chair hears no objection, and that will be the order.

The reading of the bill was resumed. The next amendment of the Committee on Post-Offices and Post-Roads was, on page 16, line 24, before the word "stamped," to strike out "and;" in line 25, after the word "paper," to insert "mail equipment;" and on page 17, line 1, before the word "to," to insert "or depositories;" so as to make the clause read:

For inland transportation by railroad routes, of which a sum not exceeding \$60,000 may be employed to pay freight on postal cards, stamped envelopes, stamped paper, mail equipment, and other supplies from the manufacturing or depositories to the post-offices and depots of distribution, \$34,700,000.

The amendment was agreed to.

The reading was continued to the end of line 4, on page 17.

Mr. BUTLER. I understand the bill is simply being read, and we are not adopting any of the sections.

Mr. WOLCOTT. We are adopting everything not controverted.

Mr. LODGE. Committee amendments.

Mr. WOLCOTT. Committee amendments. Then any amendments offered not a committee amendment will be received, and will come in in due order.

Mr. BUTLER. Then, between line 22, on page 16, and line 4, on page 17, are two items to which I wish to offer amendments

and which I wish to discuss. We have not adopted them any further than perfecting them?

Mr. WOLCOTT. We have adopted them, subject to such amendments as may be offered by Senators, as the Senator from North Carolina wishes to offer his amendment.

Mr. BUTLER. When we finish the bill—

Mr. WOLCOTT. The whole bill will then be open to amendment.

The reading of the bill was resumed. The next amendment of the Committee on Post-Offices and Post-Roads was, on page 17, line 12, before the word "hundred," to strike out "six" and insert "eight;" and in line 13, after the word "clerks," to strike out "in charge of lines;" so as to make the clause read:

Railway Mail Service: One General Superintendent, at \$3,500; 1 Assistant General Superintendent, at \$3,000; 1 chief clerk, office of General Superintendent, \$2,000; 11 division superintendents, at \$2,700 each; 11 assistant division superintendents, at \$1,800 each; 22 assistant superintendents, at \$1,800 each; 95 chief clerks, at \$1,000 each.

The amendment was agreed to.

The next amendment was, on page 18, line 24, to increase the total appropriation for the Railway Mail Service from \$10,374,700 to \$10,379,100.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Third Assistant Postmaster-General," on page 22, after line 18, to insert:

For testing the practical use of return coupon postal cards and envelopes, postage thereon to be prepaid at the regular rates by cash deposit at the office of delivery, under such rules and regulations as the Postmaster-General may establish, and to report the result of such tests to the next session of Congress, \$1,000.

Mr. LODGE. I ask that the amendment may be passed over for the present.

Mr. WOLCOTT. Let it be passed over with the others.

The PRESIDING OFFICER. The amendment will be passed over.

The reading of the bill was resumed and concluded.

The PRESIDING OFFICER (Mr. BEVERIDGE in the chair). The first committee amendment passed over will be stated.

The SECRETARY. On page 16, after line 5, it is proposed to insert:

For transportation of mail by pneumatic tube or other devices, by purchase or otherwise, \$500,000; and all existing provisions of law prohibiting additional contracts for pneumatic-tube service are hereby repealed.

Mr. WOLCOTT. Mr. President, this amendment, which appropriates \$500,000 for the extension and use of pneumatic tubes throughout the country, is, with a slight difference, the same amendment that came before the Senate at the last session of the present Congress. It differs in that the contract for the use of the pneumatic service in existing cities—

Mr. LODGE. Mr. President, this is a very important matter and I think we ought to have a quorum present.

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Massachusetts?

Mr. LODGE. I rise to a point of order.

The PRESIDING OFFICER. The Chair begs pardon.

Mr. LODGE. I think we ought to have more Senators here. I make the point of order that there is no quorum present.

The PRESIDING OFFICER. The Senator from Massachusetts suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Deboe,	Kenney,	Quarles,
Allison,	Depew,	Kyle,	Scott,
Bacon,	Dillingham,	Lindsay,	Simon,
Bard,	Dolliver,	Lodge,	Spooner,
Bate,	Elkins,	McComas,	Sullivan,
Berry,	Fairbanks,	McCumber,	Teller,
Beveridge,	Foster,	McMillan,	Thurston,
Butler,	Frye,	Martin,	Tillman,
Caffery,	Gallinger,	Mason,	Turley,
Chilton,	Hanna,	Morgan,	Vest,
Clapp,	Hansbrough,	Nelson,	Warren,
Clark,	Hawley,	Perkins,	Wetmore,
Clay,	Heitfeld,	Pettigrew,	Wolcott,
Culbertson,	Jones, Ark.	Pettus,	
Cullom,	Jones, Nev.	Platt, Conn.	
Daniel,	Kean,	Pritchard,	

The PRESIDING OFFICER. Sixty-one Senators have answered to their names. A quorum is present.

Mr. WOLCOTT. Mr. President, as I started to say a few moments ago, this amendment is practically the same amendment that was presented and discussed at great length during the last session of Congress, except that the existing contracts for the use of the pneumatic-tube service in the cities of New York and Brooklyn, Philadelphia and Boston expire by limitation of law on the 1st day of July of the current year, and this appropriation is probably intended to cover some sums for the reenactment of the agreement for future service in existing cities.

I desire to say that this is a committee amendment, but that some of us in the committee were opposed to the amendment. I



feel, although I am chairman of the committee and in charge of the bill, that as I am opposed to the amendment I should not, in the first instance, discuss it, and I will ask some member of the committee who favors the amendment to take charge of it in the Senate. Of course I shall desire later to say something upon it.

Mr. ALLISON. Mr. President, as I read this amendment it is a legislative enactment, and therefore is subject to the point of order, being new legislation. I make that point.

The PRESIDING OFFICER. Does the Chair understand the Senator from Iowa to raise the point that the amendment proposes new legislation on an appropriation bill?

Mr. ALLISON. That it proposes general legislation in that on its face it repeals the existing law upon this subject.

Mr. MASON. It repeals only one part of another appropriation act.

The PRESIDING OFFICER. The Chair thinks the point of order is well taken, and sustains it.

Mr. MASON. I should like to be heard on the matter.

The PRESIDING OFFICER. The Chair did not know that the Senator from Illinois had risen to address the Senate upon this matter. The Chair will withhold its decision until the Senator from Illinois is heard. If the Chair is wrong, it will be very glad to be put right.

Mr. MASON. Mr. President, this is the same amendment that was offered two years ago. No point of order was made at that time, and no friend of the pneumatic-tube service dreamed that it would be made at this time. At the last session we asked the Postmaster-General to make a report upon this service. He has made a very exhaustive report, and reports very strongly in favor of it. It is not new legislation in a sense, because it repeals only a part of another appropriation act. The act referred to was an appropriation act, and the point of order would not lie, for the reason that this is in the estimate made by the Postmaster-General. It is in accordance with an estimate made for this appropriation.

The matter was under discussion at great length at the last session of Congress. It is not new legislation, but it does repeal a part of the appropriation act of another year which limited the appropriation for new enterprises of this kind. It is based upon an estimate, and under the rules of the Senate, when based upon an estimate by the Department, it is not subject to a point of order.

Mr. WOLCOTT. I should be very glad to be shown where the estimate is, for I have never seen an estimate.

Mr. MASON. It is an estimate or a statement by the Postmaster-General, and it is a recommendation of the Postmaster-General for that amount. I will find it.

If the Chair has any doubt about it, or if the Chair has any intention of ruling out the amendment, which is a matter of very great importance, I should like to have the President pro tempore of the Senate determine it.

Mr. KENNEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Delaware?

Mr. MASON. Certainly.

Mr. KENNEY. I call the attention of the Senate to the report of the Postmaster-General, page 215, where I think will be found the estimate made, as is suggested by the distinguished Senator from Illinois.

Mr. MASON. There is no doubt about the estimate. I knew I had seen it as an estimate, but whether from the Treasury Department or the Post-Office Department I was not certain.

The PRESIDING OFFICER. While the Chair does have a clear view upon this subject and is not in doubt, yet he does not wish to force his view upon the Senate. It seems to the Chair, in view of the fact that the latter part of the amendment repeals law, that it proposes general legislation, and therefore it would appear to be very clear that it is subject to the point of order. But the Chair would be glad to be advised.

Mr. ALLISON. There is no question about this being general legislation. Unless the clause is put here it is impossible for the Postmaster-General to make a contract. He is prohibited by existing law from doing it. Unless, therefore, the existing law is repealed he can not make a contract for these tubes.

Mr. MASON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Illinois?

Mr. MASON. I thought the Senator from Iowa had finished.

Mr. ALLISON. I had finished what I had to say. I make the point of order.

Mr. MASON. I should like to have the President of the Senate pass upon this question. He is more familiar with the rules of the Senate.

The PRESIDING OFFICER. The Chair is very anxious indeed to have the President of the Senate so do, but the present occupant of the Chair does not know where the President of the Senate is.

Mr. MASON. It is not necessary that it shall be disposed of

now. The Senator from Iowa does not press for a decision at this moment.

Mr. ALLISON. I am perfectly willing that it shall be passed over.

Mr. TELLER. The statement that the Postmaster-General has recommended the repeal of this law does not make the amendment in order.

Mr. MASON. No; I do not say that. I say that he has put it in his estimate, and because of the fact that it repeals only a part of an appropriation act the point of order does not lie. It does not repeal legislation, but repeals a rule laid down in an appropriation act. You certainly can not pass on an appropriation bill a law so dignified that it takes a special act to repeal it. I understand that the point of order has been withdrawn for the present.

The PRESIDING OFFICER. The Chair will state that if the Senator making the point of order presses the point for decision now, the Chair will hold that the point of order is well taken; that the amendment proposes general legislation, and therefore should go out.

Mr. TELLER. Beyond question.

The PRESIDING OFFICER. But if the Senator does not press the point, it will go over.

Mr. ALLISON. I understood that the Senator from Illinois desired that the amendment should be passed over for the moment and that we should go on with other portions of the bill. I do not object to that course. Of course I do not withdraw the point of order.

Mr. MASON. I understand that. When I was called from the Chamber, being on the Committee on Post-Offices and Post-Roads and having a most important matter before the Committee on Commerce, I asked that this amendment might be taken up when I could be here. The Senator from North Carolina [Mr. BUTLER] wishes to make some extended remarks upon another branch of the bill, and I hoped to have an opportunity to be heard upon this matter, which interests my city and my State. I should like to have this amendment and its consideration temporarily passed over.

Mr. WOLCOTT. Everybody is desirous of obliging the Senator from Illinois. Suppose the decision upon the point of order, which must always stand in front of this amendment until it is disposed of, be withheld and that we take up the next amendment. Does that meet the views of the Senator from Illinois?

Mr. MASON. That is all I ask.

The PRESIDING OFFICER. The Chair was about to suggest that the next amendment of the committee which has been passed over be stated.

The SECRETARY. On page 22, after line 18, the Committee on Post-Offices and Post-Roads reports as an amendment the insertion of the following:

For testing the practical use of return coupon postal cards and envelopes, postage thereon to be prepaid at the regular rates by a cash deposit at the office of delivery, under such rules and regulations as the Postmaster-General may establish, and to report the result of such tests to the next session of Congress, \$1,000.

Mr. BUTLER. Mr. President—

Mr. ALDRICH. I think the amendment is subject to the same point of order.

Mr. BUTLER. I was going to make the point of order. I think it lies.

The PRESIDING OFFICER. The Chair will be very glad to have the Senator from Rhode Island state the ground upon which the point of order is made. Is it that the amendment proposes general legislation?

Mr. ALDRICH. That it is general legislation.

Mr. CHANDLER. Will the Chair kindly hear some suggestions in connection with the point of order raised by the Senator from Rhode Island?

The PRESIDING OFFICER. The Chair begs pardon of the Senator from New Hampshire.

Mr. CHANDLER. Mr. President, it is not usual to make a point of order upon an amendment of this nature. If the Senator from Rhode Island, who makes the point against this little appropriation of \$1,000 to enable the Postmaster-General to investigate the subject of return postal cards and envelopes, follows up his strict devotion to what he understands to be the rules of the Senate, the Senator will undoubtedly throw out of bills that are yet to come before the Senate a great many appropriations which are being considered in the Senate, and it will be useful. I doubt whether the Senator from Rhode Island will be as strict as that. I doubt if he will give his attention to the appropriation bills so assiduously as to make the point of order against other amendments similar to that which he makes against this, and therefore I hope the point of order will be withdrawn. Otherwise I shall feel, if this strictness is to be observed, obliged to make the point of order on a great many amendments that will be proposed in the Senate to other bills.

Mr. President, I hardly see why this is general legislation. I would be very glad to have the Chair in ruling, if the Chair does



rule upon the point, define what is general legislation. This, in a certain sense, is specific legislation. The Postmaster-General is carrying on the postal service. It is his business to investigate a subject of this kind without any direction from Congress. Here is a question as to whether this is, as it is claimed to be, an existing evil, by which when one person is writing to another and sends a postal card for reply which is not used by the person to whom it is sent the sender loses the 1 cent. In other words, the Government gets the 1 cent without rendering any service for it. Now, that is an existing evil. It is a wrong, in a certain sense, to the public to collect this money without giving any return for it. It is the business of the Postmaster-General to investigate this imperfect working of the service and to report to Congress any defect he finds in the service in this connection and any remedy which he thinks he can apply. We simply give him \$1,000 to enable him to do that. We do not change existing law, although there is no rule of the Senate against an amendment changing existing law. We do not change existing law, and we do not enact what I should call general legislation, as I have heard the rule discussed in this body.

Mr. President, wherein is it general legislation for the Senate to say to the Postmaster-General, we would like to know whether this little evil, or this large evil, can be corrected, and here is a thousand dollars with which you must find out for us? The Chair will have to rule out almost every amendment that can be conceived of that is offered which contains anything in the world except a sum of money proposed to carry out existing obligations if this amendment is to be ruled out on a point of order.

Mr. President, it is not a small question. The Senate has always insisted on its right to control—

Mr. ALDRICH. Mr. President, to relieve the apprehensions of my friend from New Hampshire, but not for the reasons suggested by him, I withdraw the point of order, in order that the proposition may be discussed on its merits.

Mr. CHANDLER. If the Senator had kindly withdrawn it for the reasons I was giving, I should not have been obliged to say any more.

Mr. ALDRICH. I withdraw it for other reasons.

Mr. CHANDLER. Inasmuch as the Senator doubts the correctness of my reasons, I trust the Chair will allow me to go on and give them.

The PRESIDING OFFICER. The Senator from New Hampshire will proceed.

Mr. CHANDLER. The Senate has always insisted upon its right to direct how a particular appropriation shall be expended. It has held that it had unlimited power over the methods of expending money, appropriations for which are contained in the bill. I noticed with regret a few days ago, when the Senate undertook to put limitations upon the method of expending an appropriation contained in the bill, the objection was made that those limitations could not be adopted because they did not happen to be the law at that time.

Mr. President, the Senate should insist, as it seems to me, upon its full and ample right to direct in what particular way all the appropriations upon any bill should be expended, and it should insist in the case of this amendment upon its discretionary right, without having it ruled out of order as general legislation, to give to the Postmaster-General sums of money with which he may undertake to improve an imperfect postal system.

Mr. WOLCOTT. Mr. President, as the point of order has been withdrawn, and the Senator from New Hampshire [Mr. CHANDLER], a member of the committee, has given the Senate some views as to the general character of the amendment, I have but a word to say about it.

It is an old friend with a new face. It is the old economic postage scheme that has been hawked about in the Senate for the twelve years I have been here, always a patent, always to be used by the Department upon royalties which are not disclosed, and, until this session of the Senate, uniformly condemned by every Postmaster-General who has occupied that chair.

The present Postmaster-General less than two years ago expressed his condemnation of any attempt to use return postal cards, not prepaid, by any company. His predecessor, Postmaster-General Gary, has written a very valuable report, which I have before me, condemning it. Postmaster-General Bissell likewise condemned it. Ever since the patent has been granted and the attempts have been made to secure Government use of it, it has been universally condemned by the Department.

The scope now is sought to be changed by permitting the Postmaster-General to determine how these reply envelopes may be used and to experiment concerning them. The amendment reported by the committee was a modification of an amendment which the Postmaster-General thought he was willing to undertake by an expenditure, if he found it practicable, of an unlimited sum to introduce some method by the Department for reply postage without prepayment.

Mr. President, I desire to say but a word about it. The theory upon which our postal service has been established, and on which

every postal service has been established, has been a cash system. We collect our postage in advance. The theory is prepayment; small amounts to be prepaid by whoever uses the mails; and we have inevitably put a penalty upon people who do not pay for their letters.

One of the great sources of revenue of the Post-Office Department comes from enterprising merchants and manufacturers who in writing to their customers inclose a stamped envelope for reply, with their name printed upon it. All of us get through the mails daily postal cards from such persons addressed to them, upon which we are to signify our assent to their proposition or our willingness to buy their goods or their merchandise. These people make no objection. There is no complaint to Congress or to the Department from the people who pay the postage, and the Department is enormously the gainer by it. It carries the postal card anywhere from the sender to the addressee, if there be such a word, and we bear the burden of that weight and pay for it. It may come back; but perhaps 60 per cent of them are unused, and the Government gets the postage. There is not a mail that any of us gets in which there does not go into the waste-paper basket from one to a dozen postal cards with a printed address on which we care to send no answer.

The theory of this proposed law is that somebody has invented a card and has a patent whereby you send through the mail a card similar to a postal card. The Government carries the burden of its carriage and pays for it just the same. But upon the side it is stated that the coupon is to be detached by the postmaster and that postage is to be paid on it when delivered to Richard Roe, the person whose name is stamped upon it. Then each postmaster and letter carrier who receives it is to open a set of books, and he is to show that Richard Roe, in the coal business in Washington, has received 20 patent envelopes, and he is entitled to present these to the office of an association or to the Postmaster-General and pay 20 cents, and there is an association which guarantees that he will do it. So if Richard Roe wants me to buy a ton of coal and would otherwise send a postal card, he may, doubting my willingness to buy his coal, send one of these cards; and if I do not answer Richard Roe, who sent me his postal card, the Government has carried it through under ordinary postage, and if I answer the man, must have a cent.

It means an enormous amount of bookkeeping; it means entering into contracts with patentees; and it means all through the ramification of the Post-Office Department, as each of the Postmasters-General has shown, the employment of a vast number of additional clerks and accountants and intricate confusion.

For instance, fourth-class postmasters get their little revenue out of the stamping of the stamps upon the envelopes. When they cancel a stamp, they get so much for it. These they do not cancel. If I put a letter in a fourth-class office and the postmaster puts his stamp upon it, he gets something out of it. That is the way we pay him. They are all poorly paid. If he sends this card, he does not stamp anything or get anything out of it at all.

It is a question of royalties on patents. The people who pay the Government for the postal cards which are not used make no complaint. It is the owner of a patent who will reduce the revenues of the Government, because fewer regular postal cards will be sent, and out of it the patentees will reap a reward.

Mr. President, it is an improvident sort of business for the Post-Office Department to enter upon. The payment of our postage is a little business. We have always held, as has every country, that if you want to use our post-office, you must pay 2 cents to use it. If you want to send out a postal card with an answer, you must pay 2 cents for the reply postal card. That is the only legitimate postal business upon which the Government can enter.

This scheme is not helped any by the suggestion that the card shall be issued by the Department itself. It simply means that the Department shall deal with patentees and that Congress will not deal with them.

I wish extremely that the Postmaster-General had retained the firm views which he held a year or more ago, when he said that all this was needless and that the Government itself, when the time came, would find the proper method, if a proper one was to be found. In a letter to General BINGHAM, in January of last year, he asks careful attention to the views of the former Postmasters-General, Gary and Bissell, and says:

I ask your careful attention to them as representing my own views, particularly to that part of the letter of Mr. Gary which shows that if the principle of the scheme proposed is likely to receive the favor of Congress, it would be much better—being easily practicable—for the Post-Office Department to manage the thing alone, and in its own way, than to accomplish the ends sought through some partnership arrangement with a private corporation.

Further he says:

Again, as the letter carriers at large post-offices would have to deliver the great majority of the coupon cards and envelopes to be put into use, should this scheme go into operation, and would thus have to be made accountable for postage collected thereon, a costly system of office accounts, involving nearly every carrier in the service, would be inevitable. In the opinion of the postmaster above referred to, the labor and responsibility connected with such accounts are enough to condemn the measure.



Now, it seems to me that if the Post-Office Department has had called to its attention some feasible and proper method by which a new means of sending letters not prepaid may be brought into public use, wisdom would require that the Postmaster-General should investigate and then report to Congress his plan, and then, if practicable, we could make an appropriation to meet it.

Mr. PLATT of Connecticut. May I ask the Senator a question?

Mr. WOLCOTT. Certainly.

Mr. PLATT of Connecticut. Do I understand that the Postmaster-General has recommended the amendment which appears in the bill?

Mr. WOLCOTT. No; he recommends one a great deal worse; that is, worse in my opinion. Here is the amendment recommended by the Postmaster-General:

That the Postmaster-General be, and he is hereby, authorized and empowered to make such arrangement as he may deem for the interests of the Government for the transmission in the mails of return-reply envelopes covering mail matter of the first class only, and return-reply postal cards, without the prepayment of postage thereon at the office of mailing, the postage, at first-class rates, to be collected before delivery at the office of destination; and he is furthermore authorized to enter into such contracts for carrying this provision into effect as he may consider best for the Government, and also to provide for the furnishing of said envelopes and cards by including them within the provisions of existing and future contracts for supplying stamped envelopes and postal cards to the general public, which envelopes and cards shall in all instances be furnished by the Post-Office Department.

That amendment we have changed and very much modified, as follows:

For testing the practical use of return coupon postal cards and envelopes, postage thereon to be prepaid at the regular rates by cash deposit at the office of delivery, under such rules and regulations as the Postmaster-General may establish, and to report the result of such tests to the next session of Congress, \$1,000.

Mr. PLATT of Connecticut. Do I understand that the chairman of the committee favors this amendment which has been reported?

Mr. WOLCOTT. Personally I do not favor any, but I am bound by the action of the committee, and so stated.

Mr. President, I just desire to say one word to finish the statement which I commenced. I will yield the floor in a moment.

In what I have said I do not intend the slightest reflection upon the Postmaster-General or the administration of his office. But I do believe the interest of the public service would be much better furthered if the investigation should be made first, which can be done without any appropriation, and then have Congress resorted to with a statement of what may be carried out. I think in the end the Postmaster-General himself would find this to be a much easier and better method of procedure.

Mr. PLATT of Connecticut. I hope this amendment will be rejected. I do not know whether any substitute for it has been offered. I think not.

Mr. WOLCOTT. There has not.

Mr. MASON. I have an amendment which I intend to offer and which I have had printed. I will say that the chairman was absent when I called upon him. It is the amendment suggested by the Postmaster-General.

Mr. WOLCOTT. The one I have just read?

Mr. MASON. The one the chairman of the committee has just read. It may be considered as offered for purposes of discussion.

Mr. PLATT of Connecticut. Mr. President, I hope certainly that this amendment will not pass, and I do not believe any amendment ought to be adopted. There is an old fable about an Arab who suffered his camel to put just his nose within the tent, and the result was that the camel occupied the tent and the Arab had to move out. I think that is just what is intended by this amendment. It is to allow the camel to put his head within the tent of the Post-Office Department, and if the amendment is agreed to, it will be a very little while before the entire camel, to wit, these outside patentees and speculators, will practically have possession of the Post-Office Department. I think certainly the amendment ought to be rejected. I think the letters of the Postmasters-General heretofore, which have said that the business of the Post-Office Department ought to be done for cash and by the prepayment of postage, are sound in principle.

I see no reason for the adoption of this scheme, which has attracted the attention of Congress for some years. It is not asked for, I understand, by business men. Certainly the letter of Postmaster-General Gary says there has been no demand for it to any extent from business men. It comes from people who have a patent, who want to sell their patent, and who, if they can get a recognition through Congress of this scheme of theirs, will be able to sell the patent.

Now, I am not going to take time about it. I think this amendment ought to go out of the bill, and I am inclined to think the whole matter ought to go out.

Mr. CHANDLER. Mr. President, I supposed when I rose to endeavor to secure the retention of this amendment in the bill that I was representing the unanimous action of the Committee on Post-Offices and Post-Roads. I understand the chairman now to say that personally he does not favor this provision. But in truth this provision is a compromise of certain contentions.

It is true that the so-called Economic Postage Company has been pressing this subject upon Congress for several years, and there has been passed through the Senate, in a separate bill, a provision for the adoption of their scheme, but it has never passed the House of Representatives. I have an impression that it once passed the House of Representatives.

Mr. WOLCOTT. Did it ever pass the Senate?

Mr. CHANDLER. I think it passed the Senate once.

Mr. WOLCOTT. It has not since I have been on the committee.

Mr. CHANDLER. Or it passed the House of Representatives and was not acted upon in the Senate. It is not material. I was only showing that the proposition which these people make has once met with favor in one branch or the other of Congress, and although the Postmaster-General for a series of years reported against it, yet at this session of Congress there came a recommendation from the Postmaster-General that he should be allowed to investigate it and to put the system in operation if he found it to be a judicious one.

That amendment was before the committee, drawn at the Post-Office Department, advocated by the Postmaster-General. It did not meet with favor from the committee, and the committee decided simply to put in a provision that the Postmaster-General might expend \$1,000 in testing the practical use of some system for avoiding this loss of postage to persons who purchase postal cards which are not used. It does not allow the Postmaster-General, having made the test, to put the system in use, but requires him to report tests to Congress.

This appropriation of \$1,000 for tests was a compromise of the whole question and was adopted, as I understood, unanimously by the Committee on Post-Offices and Post-Roads. Now the chairman says he thinks it is unwise. I am not certain that it is wise, but I do not see any harm in the amendment as it stands. I do not care a fig personally whether it is adopted or not, but I was speaking in behalf of what I believe to be only on the whole a wise conclusion unanimously adopted by the Senate committee.

Mr. PLATT of Connecticut. How can the Postmaster-General make the tests required by this amendment without testing the scheme of the men who have this patent and who wish to sell it? In other words, what test is to be made by allowing outside people to manufacture the envelopes, as I understand it, under this provision and then test its results? As it seems to me, this amendment concedes the whole scheme which has been contended for and voted down here as a job and a speculation.

Mr. WOLCOTT. Mr. President, only one word, which I intended to say before and did not. I have a natural and instinctive prejudice against this sort of an amendment, and one or two others that have come to us, owing to the fact that they have been before Congress for a long time when recommended by the Department and recommended before the commencement of the present session of Congress. The other legislative Chamber first considers an appropriation measure. That is known as the popular body of Congress. Whenever new schemes or new plans are sought by either the public or a Department to be adopted into law, every theory of good morals and good conduct demand that we should require that the Department should first go to the House of Representatives and to that body present its amendments. After this bill and other bills come over here, and we are supposed simply to deal with the provisions of the House, along come important and vital amendments which a Senate committee is supposed to tack onto the bill and which we are to fight through both Houses of Congress in a conference committee. I confess, Mr. President, it does not leave a clean taste in my mouth. I would much prefer that where there is a difference in these matters they should be fairly presented to both legislative chambers, and they should have a chance to discuss them.

Mr. BUTLER. Mr. President, the Senator from New Hampshire [Mr. CHANDLER] is not correct in saying that the committee was unanimous about this amendment. I do not think I was present when it was adopted, or I would have voted "no." I am sure that it has never commended itself to me as being a measure that the Department ought to undertake as long as private hands control it, even if it were otherwise good.

Mr. President, this is a scheme that many of us have been familiar with for a long time. The representatives of this concern have seen me, as I presume many other Senators, and we have given them as much time as the proposition deserves. But there is one consideration about it that ought to settle the question that we should not go into it now. It is going to reduce the revenues of the Government and increase the expenses of the Post-Office Department. That much is certain. Unless it is going to be a great public benefit we can not justify reducing the revenues and increasing the expenses. Is it going to be a great public benefit? I do not see how it can be as long as this private concern owns the whole outfit and we pay them a royalty, and we do not know how large the profit will be. Whenever the Postmaster-General can buy this patent and own it in behalf of the Government, and is ready to say to us that he considers it worth putting into use, and the Department shall own it and use it as a part of the postal



service, there will be plenty of time for us to decide whether it is for the public welfare and if we can stand the expense.

Mr. KENNEY. Mr. President, I desire to call the attention of the Senator to the difference between the amendment as recommended by the Postmaster-General and the amendment that was unanimously adopted by the Committee on Post-Offices and Post-Roads.

Mr. BUTLER. I will say to the Senator that I am very familiar with the difference between them. As the chairman of the committee has said, one is just a little worse than the other. That is the only difference.

Mr. KENNEY. I wish to call attention to it as I understand it. In the first instance, it provides that after an investigation by the Postmaster-General of this proposed system of return postal cards and envelopes, if in the judgment of the Postmaster-General it might be found to be proper, he shall go to work at once and make contracts. The committee did not believe that to be wise, and therefore they rejected the amendment as recommended by the Postmaster-General and unanimously recommend the amendment which is now under consideration.

The amount of appropriation called for in this amendment is \$1,000. I am not prepared to say, and I doubt whether there is a member of the Post-Office committee of the Senate who is able to say, whether this, if investigated, would prove to be for the best interest of the postal service and the best interest of the people or not. But I do contend that the small amount of appropriation provided for here, and with the limitation that the Postmaster-General under the provisions of this amendment can not enter into contracts, certainly is worthy of the consideration of the Senate, and in my judgment it should be adopted, so that there might be a test made of this system.

I differ with the distinguished Senator, the chairman of the committee, as to whether it is proper and necessary that the Postmaster-General or other heads of Departments or individuals in this country should first go to the House of Representatives and there present their ideas to be incorporated into acts of Congress. I consider that this Chamber is concurrent with the other, and there is no reason in the world why new ideas and plans should not be presented to committees of this body, whether they had before been presented to the other House or not.

The consideration of such matters by the Senate first is certainly no objection to the adoption of this or any other measure; and I myself, taking into consideration the recommendation of the Postmaster-General for a very much larger scheme, shall certainly support this appropriation of \$1,000 to test the system and see whether it would be for the best interest of the people and of the Post-Office Department, so that we may be able in the Senate and in Congress, as we are not now, to know just exactly the result of this test.

Mr. HAWLEY. Mr. President, I should like to speak briefly on this question. It is a topic quite familiar to me, and has been for fifteen or twenty years at least. The proposition now presented may not be precisely the same, but it has been from the beginning and I regard it still as a dangerous and unwise speculation which aims at taking away from the Government a considerable portion of its profits. Postmaster-General Gary and Postmaster-General Bissell each wrote very strong papers on this subject, and I should like to read an extract from what Postmaster-General Gary said:

From the foundation of the Government it has been its policy to exercise exclusive control over the operations of the postal service, and the experience of the nation has fully sustained the wisdom of this course. No private corporation has been or ought to be allowed to take any part in the management of this great public establishment, which comes so intimately into contact with all the people. Certainly its revenues should be collected and handled by its own servants, under the strict rules that now prevail and that keep the Department practically free from loss by defalcation. But this bill proposes to give up a part of such control, to allow a private association to become to a large extent the intermediary as to the payment of postage between the Government and the public—in a word, to compel the Government to enter into a contract with such association by which the Post-Office Department is to carry on its business not directly, as it is now doing, with all the people, but by arrangement with a private corporation and without any consideration.

If this radical departure from the present methods of transacting postal business be authorized, it will afford a precedent for some other; and if the door be thus opened where are the changes to end? My belief is that any attempt at an innovation of this nature should be unqualifiedly resisted.

For over forty years prepayment of postage has been the established policy of the Government. This policy is wise, simple, safe, and proper; it involves the cash instead of the credit principle in business—

This is a proposition full of credit instead of cash—

it renders unnecessary the system of espionage and of accounts which is more or less inevitable under any credit system, and it presents no temptation to postmasters, as was formerly the case, to make short returns of postage collected. Under the old system of optional prepayment, accounts were of a very complicated character, involving the examination of countless thousands of receipts, waybills, and other vouchers, which it was found impossible to intelligently handle; and so postmasters had an almost unlimited opportunity to speculate without detection. If the present bill should pass, costly accounts between the association and the postmasters, between postmasters and the Department, and between the Department and the association would be inevitable. And with it all there would no doubt be many resultant abuses which could hardly be controlled.

But admitting that the advantages claimed are likely to result, why should not the Government itself secure them directly instead of giving them away?

Why should a private corporation be employed as an instrumentality in the business? It is not necessary to use any patented article to accomplish the ends sought—any other thing properly devised would do as well or better. The coupon principle of the United States Economic Postage Association is not at all necessary. In plain words, the Post-Office Department might, by legislative authority, adopt some distinctive but simple forms of cards and envelopes, with proper inscriptions to explain their purpose, have them made returnable to the original senders without prepayment of postage, and sell them to anybody who needs them.

If there be any profit in this new scheme it should belong to the Government, which can carry it on just exactly as well as this Economic Postage Association, and to much better advantage, the Government having hundreds and thousands of skilled employees. Let us enter into this business; let us take the place of this outside corporation, seeking to make a few million dollars at the expense of the Government.

Mr. BACON. Mr. President, the Senator from New Hampshire [Mr. CHANDLER], in his presentation of this matter to the Senate, replying to the Senator from Colorado [Mr. WOLCOTT], stated that the bill did not authorize the Postmaster-General to put this scheme into practical operation, but that it simply provided for the appropriation of a certain sum of money in order to have the scheme tested. The Senator from Connecticut [Mr. PLATT] suggested, in reply, that there was no method by which the scheme could be tested except by putting it into practical operation. With a view to obtaining information—I am not a member of the committee, and I want all the information possible—I hope the Senator from New Hampshire will explain to the Senate, in response to the suggestion of the Senator from Connecticut, how it is practicable for the Postmaster-General to test this scheme except by putting it in practical operation.

Mr. PLATT of Connecticut. And by agreement with private parties who hold the patents. That is the only way it can be done.

Mr. BACON. I do not see how it can be done, even in that way. If this system is to be tested, it has to be tested practically; and if it is to be tested practically, somebody must have the privilege of sending through the mail the return cards. The Post-Office Department are to then see whether or not, when that is done, their system of bookkeeping is to be elaborate and complicated, and whether the collection of the postage would be easy and certain.

Is it the understanding of the Senator from Connecticut, in making the reply he did, that one single party is to be allowed to have the privilege of using the mails for that purpose in order that the test may be made?

Mr. PLATT of Connecticut. Certainly.

Mr. BACON. And the doors are not to be thrown open to all?

Mr. SPOONER. It is a patent.

Mr. BACON. It may be that the card which is to be used is patented, but the practical test of it must necessarily be made through the mails of the United States Government. Do I understand that that is the case? I rose, Mr. President, for the purpose of having the Senator from New Hampshire, if possible, give me information.

Mr. CHANDLER. Will the Senator allow me to answer him now?

Mr. BACON. With pleasure.

Mr. CHANDLER. Of course no scheme can be tested without putting it into practical operation. The difference between the provision for having a test made by the expenditure of a thousand dollars and the results reported to Congress, as proposed, we understand, by the full amendments submitted by the Postmaster-General, was that the latter gave him unlimited power to adopt it, not experimentally, but, if he deemed it advisable, for permanent use everywhere in the Post-Office Department. To that extent one was a broad and sweeping authority and the other was limited.

Further, I should like to say that the committee did not understand, even in adopting this amendment, that they limited the Postmaster-General to any particular scheme that might be already patented, but they provided that he might test the practical use of any scheme of return-coupon postal cards and envelopes, postage thereon to be paid at the office of delivery at the regular rate fixed.

Before the question is discussed any further I should like to have the Senator from Georgia allow the Senator from Illinois [Mr. MASON] to move, as an amendment to the committee's amendment, the proposition of the Postmaster-General, and then both propositions will be before the Senate.

Mr. BACON. I have no objection to yielding for that purpose; but I wish to continue briefly with some remarks on the subject.

Mr. MASON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Illinois?

Mr. BACON. Yes, for the purpose of offering the amendment.

Mr. MASON. The amendment has already been offered as a substitute for the committee amendment, and it has been read. That is the amendment which has been suggested by the Postmaster-General. Would the Senator care to hear it read?

Mr. BACON. I do not care to hear the amendment read. I understood the Senator from New Hampshire [Mr. CHANDLER]



to ask that the Senator from Illinois might be given an opportunity to present the amendment.

Mr. CHANDLER. I thought perhaps the reading of it would answer the Senator's inquiry.

Mr. BACON. I have already heard the amendment read.

Mr. CHANDLER. I thought it would perhaps answer the Senator's inquiry about the power intended to be given to the Postmaster-General by that amendment, which we limited by the amendment of the committee.

Mr. BACON. I understand that.

Mr. MASON. The amendment is already pending, or it is one of the pending questions.

Mr. PLATT of Connecticut. Mr. President—

Mr. BACON. If the Senator will pardon me a moment further—

Mr. PLATT of Connecticut. I beg pardon, I thought that the Senator had concluded.

Mr. BACON. It does not appear to me that the suggestion of the Senator from New Hampshire [Mr. CHANDLER] as to the way in which this practically is to be done is one which will commend itself to the judgment of the Senate. What is the suggestion? It is that certain parties who are interested in this scheme shall have the use of the mails for the purpose of testing whether or not this system can be safely and advantageously undertaken by the Government.

What is the test to be made? The test being one to ascertain whether these difficulties will be encountered, in the first place, what are the difficulties? The difficulties are those suggested by the Senator from Colorado [Mr. WOLCOTT]: First, that it necessarily entails a new system of bookkeeping, and a very vexatious and complicated one; second, that it depends for its success upon the payment by the parties who will guarantee this scheme and upon the possibility that they themselves may fail before the payment is made.

The point to which I want to call attention is this: Here is a test to be made by parties who are interested in the success of that test, and under the test to be thus made it is to be ascertained whether or not, among other things, the payment will be made by them when the demand is presented.

Of course, they will pay it, Mr. President; but one of the evils to be apprehended is that, in the general use of this system, payment will not be made when demand is made by the Post-Office Department. The test that is to be made here is by parties who will be interested in showing that payment will be made; and, of course, they will pay. The result of the test will be that they will come to Congress and say, "We have tested the matter and nothing was lost to the Government." I think the fact that nothing was lost in that test would be no guaranty that there would be no loss in the general application and use of this device.

I confess that, while I defer very greatly to the opinion of the Post-Office Committee, my inclination is very much in the direction of the position occupied by the chairman of the committee. The proposition does not commend itself to my favorable judgment.

Mr. PLATT of Connecticut. I think the whole principle is wrong, whether we consider either the amendment proposed by the committee or the amendment suggested by the Senator from Illinois [Mr. MASON], having the sanction, as I understand, of the Postmaster-General. The principle involved is that people may use the mails to send out postal cards or circulars soliciting trade and have no postage paid on those circulars so sent out or those postal cards so sent out, unless somebody orders goods from them. I think if people wish to advertise in that way, or to list orders in that way, there is no reason why they should not pay the Government the postage which the law now requires. I do not know why the Government should lose the amount of postage which it now receives upon envelopes or postal cards sent out to be returned with orders for goods; and I think that Postmaster-General Bissell was entirely right about it when he said:

It should be borne in mind, too, that people who thus send postal cards and stamped envelopes with the expectation of getting return messages are not, as a rule, making any complaint of loss on that account. In fact, it is fair to presume that they are really not sustaining any loss; otherwise the practice would not be kept up. In other words, the returns from, say, 10 per cent of the cards and envelopes thus sent are of sufficient value to the senders to warrant their throwing away the remaining 90 per cent.

I think the whole principle is wrong, and I do not think that we ought to incorporate anything about it in this bill.

Mr. TILLMAN. I should like to ask the chairman of the committee to tell us what there is about this postal card that is patentable, and how it is that some private corporation wants to get into partnership with the Government?

Mr. WOLCOTT. The coupon is the patent.

Mr. TILLMAN. Is that patentable?

Mr. WOLCOTT. They patent almost everything at the Patent Office, you know. The Department held that it was patentable, and I do not suppose anybody thought it was of enough value to contest the matter. The coupon is all that is patented.

The way this scheme is to work is this, I will say to the Senator from South Carolina, if I may have his attention for a moment—

Mr. TILLMAN. I am listening and looking, too.

Mr. WOLCOTT. A thousand people subscribe as clients of the Economic Postage Association or any other concern—I think they have changed the name of the corporation recently, but it smells just as sweet as under the old name—a thousand people subscribe, and they are furnished with these envelopes or postal cards. A thousand go to the city of New York with printed names and addresses to different merchants. The Government has not had the cent apiece on those postal cards, which it ordinarily receives; it does not get a cent apiece on them before it undertakes their carriage, and it does not exact a penalty from the persons receiving them because it has not had the cent apiece that it gets from other postal cards.

The carrier, instead of simply delivering the cards to the recipient, as he would ordinarily do, tears of the coupons and takes them back to the post-office, and they are marked and stamped in some way, showing that they were delivered. Then they are turned over to some clerk in the local post-office. He is then to call upon the office of this concern and say, "We carried a thousand of your cards to-day; give us \$20;" and then the Government collects the \$20 in payment of this postage. The amount is not allotted to the different post-offices that get them, but to this concern; it goes into the revenues of the company, and the company gets this money out of furnishing these cards to the people who subscribe. Take, for instance, some sarsaparilla compound or the Seven Sutherland Sisters, who send out a great many circulars. They subscribe to this company; they have the right to use these patent reversible envelopes, and they will pay so much a thousand for the privilege of using them.

Mr. TILLMAN. For the privilege of using these postal cards?

Mr. WOLCOTT. Certainly. The cards are sent out with a printed notice to the expected customer, saying, "When you order use this card." Ordinarily, people who send out stamped postal cards do not receive answers to more than 30 or 40 per cent of them. In this way they will save 60 per cent postage, and the Government will not receive its revenue, but it will carry the postal cards from the sender to the recipient, and that is all there is to it.

Mr. TILLMAN. Suppose the man who is interested does not choose to pay upon demand, then the Government loses the postage?

Mr. WOLCOTT. Yes.

Mr. TILLMAN. Under this plan he will pay his postage after the thing is delivered, whereas you and I and other citizens have to prepay.

Mr. WOLCOTT. We do.

Mr. TILLMAN. I think this is a good thing to kill. [Laughter.]

Mr. LODGE. Mr. President, as I understand it—I may misapprehend the Senator from Colorado [Mr. WOLCOTT]—but as I understand it, this is an attempt to save postage on the non-used cards or envelopes, on which postage now goes to the benefit of the Government, and turn it in to the benefit of a company?

Mr. WOLCOTT. That is it.

Mr. LODGE. That is the whole thing, and the sooner the Senate kills that proposition the better.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Illinois [Mr. MASON] to the committee amendment.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is on the committee amendment.

The amendment was rejected.

The PRESIDING OFFICER. The committee amendment on page 16, beginning in line 5, in relation to the pneumatic-tube service, is before the Senate. The amendment will be again stated.

The SECRETARY. The Committee on Post-Offices and Post-Roads propose to insert, on page 16, after line 4, the following:

For transportation of mail by pneumatic tube or other devices, by purchase or otherwise, \$500,000; and all existing provisions of law prohibiting additional contracts for pneumatic-tube service are hereby repealed.

The PRESIDING OFFICER. The Senator from Iowa has made the point of order that the amendment is general legislation. The Chair informed the Senate, when the Senator from Illinois [Mr. MASON] requested that this point of order should be ruled on by the President of the Senate, that the Chair, if the Senator from Iowa [Mr. ALLISON] insisted on his point of order, would rule that the point of order was well taken. The Chair still so thinks. The Chair understands that any legislation which changes existing law and authorizes the head of a Department to carry into effect the will of Congress is general legislation, and the Chair thinks that this amendment unquestionably falls within that definition. The Chair will say, for the benefit of the Senator from Illinois, that he has communicated upon this point with the President of the Senate, who is engaged in the Committee on Commerce. The Chair, however, does not wish to enforce his opinion



as to this amendment if the Senator from Illinois objects, and if the Senator from Illinois insists, the Chair will submit the question to the Senate.

Mr. MASON. Mr. President, this point of order was made a year ago, when an appeal was made to the Senator who made the point, as an evidence of a desire to give us fair play and fair consideration, that he should withdraw the point of order, and I have reason to believe that the Senator from Iowa will now withdraw the point of order. I can not feel that he is determined to press the point, in view of the statement made by the President of the Senate when the question was up a year ago.

I think we ought to be allowed to have a fair vote and a fair test of the sense of the Senate whether we are going to carry out the will and suggestion of the Department and provide for existing contracts, and whether we are going to extend this service to the city of Chicago. I should like to have a fair discussion upon the merits of the proposition.

If the Senate believes that the city of Chicago ought not to have the same opportunities and the same benefits which the cities of Philadelphia, Boston, New York, and Brooklyn have, I shall have to abide by the decision. I hope the Senator will allow us to proceed and take a vote upon the merits of the proposition. We have a long report here in regard to it. We appropriated \$10,000 for the Postmaster-General to fully investigate and report upon this subject. Certainly the Senator has no hostility toward the city of Chicago, that he would insist upon a point of order that has not been made before in any legislative matter since I have been in the Senate. I appeal to the Senator to let us have a vote on the amendment itself.

Mr. ALLISON. Mr. President, the appeal of the Senator from Illinois is a very strong one to me; and, under ordinary circumstances, I should be glad to yield to it; but I have had an opportunity to investigate this subject thoroughly, and the time is not ripe for the new legislation proposed on this bill. Therefore, I regret very much that I am obliged to insist upon my point of order.

Mr. MASON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois insist that the point of order shall be submitted to the Senate?

Mr. MASON. I desire to be heard upon the point of order.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. ALLISON. I do not wish to cut off the Senator from Illinois from making any observations he desires to make upon this question.

The PRESIDING OFFICER. The Chair, under the circumstances, will submit the question to the Senate. The question is: Is the amendment of the committee in order?

Mr. CLAY. Did I understand the Chair to rule upon the question of order, and that now the question is whether the Chair shall be sustained?

The PRESIDING OFFICER. No, sir. The Chair would state, for the benefit of the Senator from Georgia, that a point of order was made by the Senator from Iowa. The Chair announced that if the Senator from Illinois did not insist upon the question being submitted to the Senate the Chair would rule that the point of order was well taken, and that the amendment of the committee was general legislation; but that, in deference to the feelings of the Senator from Illinois, the Chair would submit the question to the Senate. The question, therefore, is, as stated by the Chair; and upon that the Senator from Illinois has the floor.

Mr. MASON. Mr. President, while the question raised is a question of order, yet, in view of the statement of the Senator from Iowa [Mr. ALLISON], to the effect that he had made a full examination of this matter, I think, possibly, in order to complete my appeal to the Senator that he may withdraw the point of order, I will have to enlighten him upon some points that he has not investigated, and it may take me some little time to do it.

I will say, in the first place, that it is true that the postal commission, upon which the Senator from Iowa was serving, did take some evidence about three years ago upon this subject. Long since they took their evidence upon the subject we have fully discussed the matter here. More misstatements were made in regard to the pneumatic-tube service than were ever made in regard to any other service or any other subject that I have ever heard discussed in this Chamber. Finally, when I see the disposition of the Senator from Iowa—who is able to make legislation upon appropriation bills, but who insists that it shall not be repealed upon bills of like dignity, and who simply gives it as his personal opinion after, as he says, he has examined the question that the Chicago people, the Chicago streets, and the Chicago mail service are not yet ripe for pneumatic tubes—I simply say that my only hope of getting a fair hearing here is to present all the facts to the Senate.

We referred this subject to the Postmaster-General, and we appropriated \$10,000 to enable him to investigate it. That was new legislation if this is; and I want to call attention of the Senate to the fact that the only point of order that has been made on this

matter and insisted upon in the four years that I have been in this body is the one now made by the Senator from Iowa, to deprive the State of Illinois and the city of Chicago of having the same mailing facilities that Boston, New York, and Philadelphia enjoy. That the Senator is anxious to defeat the legislation I can understand and excuse; that he should apply a rule, however, to this bill which no other Senator applies and which no other Senator shows such a spirit of applying to legislation that affects my constituents I am exceedingly surprised and sorry.

It may be, Mr. President, that we can strike out the repealing clause of this amendment, and so adjust it that it will be not subject to a point of order, even in the opinion of the Chair; but while that appeal is pending there is an absence of a quorum in the Senate. I am only anxious to get the question fully before the Senate, and if they are to vote upon whether the decision of the Chair shall stand I want to be heard. I can not be heard with empty chairs and empty desks, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Illinois suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Allen,	Dillingham,	Lodge,	Simon,
Allison,	Dolliver,	McComas,	Spooner,
Bacon,	Fairbanks,	McCumber,	Stewart,
Bard,	Foster,	McLaurin,	Sullivan,
Bate,	Gallinger,	Mason,	Teller,
Beveridge,	Hansbrough,	Morgan,	Thurston,
Butler,	Hawley,	Perkins,	Tillman,
Chandler,	Heitfeld,	Pettus,	Turley,
Chilton,	Jones, Ark.	Platt, Conn.	Warren,
Clapp,	Kean,	Platt, N. Y.	Wetmore,
Clay,	Kearns,	Pritchard,	Wolcott,
Cullom,	Kenney,	Quarles,	
Daniel,	Kyle,	Scott,	
Depeew,	Lindsay,	Sewell,	

The PRESIDING OFFICER. Fifty-three Senators have responded to their names. A quorum is present.

Mr. MASON. Mr. President, I am exceedingly anxious that some fair and proper appropriation shall be made to extend this service to the city of Chicago, in accordance with the recommendations of the Postmaster-General. If, however, there is a feeling that Chicago can not have the same advantages that other cities of less importance have, I should still hope that the Senate would have patience and intelligence enough to understand the importance of making appropriations for the existing systems. I am entirely satisfied that the Senate is probably more poorly informed upon this subject than any of the other subjects now before the body, and for that reason I will read briefly from the report of the Postmaster-General. While it may be that the Senator from Iowa has given a few days or a few hours to this subject, I wish to say that there is not an expert post-office man in the United States who agrees with him. The evidence taken by the postal commission, of which he was a member, a commission appointed to investigate the question of railway pay, was very brief. That was three years ago. A comparison of the report made by the commission of which the Senator is a member with the report made by the Postmaster-General and the commissions appointed by him and the expert railway mail people of this country is so strong and forcible that it must excite the envy and admiration of the world.

Mr. FAIRBANKS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Indiana?

Mr. MASON. Certainly.

Mr. FAIRBANKS. If the Senator, who is a member of the Committee on Post-Offices and Post-Roads, will permit me, I should like to ask him a question or two for information. I see on page 16 of the bill that an appropriation of \$500,000 is proposed to be made for the transportation of mail by pneumatic tubes or other devices.

Mr. MASON. That is the amendment under discussion.

Mr. FAIRBANKS. Does that cover the pneumatic-tube service in New York, Philadelphia, and Chicago?

Mr. MASON. Yes; it covers the pneumatic-tube service of the present systems in New York, Philadelphia, Boston, and Brooklyn, and also covers an amount, probably \$100,000, for the extension of that service in the city of Chicago under the discretion and direction of the Postmaster-General.

The PRESIDING OFFICER. The Chair will state for the information of the Senator from Indiana and in answer to his question, that the question before the Senate is not as to whether the Senate will agree to the amendment to which the Senator from Indiana has referred, but the question is, it having been submitted to the Senate, whether, upon the point of order made by the Senator from Iowa, the amendment to which the Senator from Indiana referred is in order. The Chair announced that he would rule it to be out of order upon the ground that it was general legislation, but in deference to the feelings of the Senator from Illinois the Chair submitted it to the Senate. That is the question before the body, and not whether the amendment shall be agreed to.



Mr. FAIRBANKS. My inquiry was not with reference to the point of order. I simply desired to know what appropriation was contemplated by the committee for the service in these different cities, and whether Chicago has been omitted and the other cities included.

Mr. CHANDLER. Mr. President—

Mr. MASON. I yield to the Senator from New Hampshire, who wishes to discuss for a moment the point of order.

Mr. CHANDLER. I was out of the Chamber, and I understand that while I was gone the question of order was raised upon the clause as to pneumatic tubes contained on page 16—that it was out of order because it repealed all provisions of law which prohibited additional contracts. Will the Chair kindly state what disposition was made of the point of order?

The PRESIDING OFFICER. The Chair will state to the Senator from New Hampshire that no disposition was made of the point of order. The point of order was first withheld, and, after the committee amendments had been acted upon, the Chair took up the point of order made by the Senator from Iowa. As the Chair has just stated to the Senator from Indiana, it stated that it would rule that the point of order was well taken, but in deference to the feelings of the Senator from Illinois it would submit the point of order to the Senate, and that is the precise question now before the Senate—whether or not the amendment is in order, not whether or not the amendment shall be agreed to.

Mr. CHANDLER. I suppose, of course, that the Chair would not undertake to limit the scope of the debate, even upon the point of order. I suppose the Senator from Illinois is proceeding strictly in accordance with the customs and practices of the Senate in debating the merits of the proposition. I hardly ever heard a point of order discussed where the merits of the proposition were not discussed at large; and the Senator from Illinois was proceeding correctly. The practice may be a bad one, but it prevails.

I want the Senator from Illinois to allow me to say a word or two in reference to the point of order. With all deference to the opinion of the Chair, I think the point of order is a bad one, not well taken, and certainly ought to be withdrawn by the Senator who made it—the Senator from Iowa.

Mr. President, what is the fact? I wish to convince, if possible, the Senator from Iowa. The act of June 2, 1900, made an appropriation for pneumatic tubes. It provided:

*Provided, That no part of this appropriation shall be used in extending such pneumatic service beyond the service for which contracts already are entered into, and no additional contracts shall be made unless hereafter authorized by law.*

That prohibition was general, I will concede. It was not merely a limitation upon that appropriation, but it was a prohibition upon any contract thereafter. Now, this amendment proposes to appropriate \$500,000 for pneumatic-tube service and simply removes that prohibition. Does the Senator from Iowa gravely contend that when we make an appropriation of \$500,000, which is clearly within our rules, because it is recommended by a committee, it comes from a committee of this body, and makes an appropriation which we have a right to make, it is not in order in the Senate simply to remove the obstacles that were created by this prior act when the prior act contemplated that very thing? If that point of order is good, that provision stands there forever unless it is either removed by unanimous consent or is removed by a separate act of Congress. No such point of order as that has ever before prevailed in the Senate, but the Senate has stood just as I stand to-day—for the right of the Senate to provide how an appropriation shall be expended, in what way, in what method, with what limitations, and for the right of the Senate, when it makes an appropriation which it has an unquestionable right to make, to remove an obstacle to the expenditure of money.

I do not think I differ very much with the Senator from Iowa or the chairman of the committee as to the amount that ought to be appropriated this year for pneumatic tubes, but I do hope, in deference to the business of the Senate that will come afterwards, that the chairman of the Committee on Appropriations will not undertake to commit the Senate to a proposition of that character—that we can not, on the appropriation bill, as to an appropriation that is in order and we have a right to make, remove an obstacle that has been put on by a previous law which contemplated that it should be removed exactly in this way.

Mr. SEWELL. I should like to ask the Senator a question. Where does this appropriation of \$500,000 go? The Senator from Illinois stated that he wanted Chicago to have the same facilities that Philadelphia and New York have. Is there an appropriation now in existence for Philadelphia and New York?

Mr. MASON. This is part of it.

Mr. SEWELL. It comes out of the \$500,000?

Mr. MASON. Yes; it covers everything.

Mr. CHANDLER. The \$500,000 will provide for the existing service and for some extension thereof.

Mr. SEWELL. It is given out without advertising?

Mr. CHANDLER. He is to make contracts under such obligations as the law imposes.

Mr. SEWELL. The objection I have to it is that it is not open to other bidders.

Mr. CHANDLER. Will the Senator again state his objection?

Mr. SEWELL. The objection I have is that there are several pneumatic tube service companies which are very successful, with large capital, and they do not seem to have any show under this amendment. It is simply to pay so much to those now in existence. Is not that true?

Mr. CHANDLER. I think the Senator is wrong about it. There is no limitation upon the Postmaster-General, and I should consider that he was bound to investigate all methods of transmission.

Mr. SEWELL. And throw it open to the public?

Mr. CHANDLER. I believe so, except as to the existing contracts.

I want the Senator from Iowa further to notice that the limitation in the last appropriation act and in the one previous, which provided that no additional contracts shall be made, was put upon an appropriation act; so that the point of order is that one year you can put a limitation upon an expenditure by an appropriation act, and you never can get rid of it unless you pass a special act to get rid of it. It seems to me, not particularly on account of this bill, but for other very evident reasons, that that ought not to be the rule of the Senate.

Mr. ALLISON. Will the Senator from Illinois yield to me for a moment?

Mr. MASON. Certainly.

Mr. ALLISON. I made the point of order in view of the language of the existing law upon this subject. That language is as follows:

*Provided, That no part of this appropriation shall be used in extending such pneumatic service beyond the service for which contracts already are entered into, and no additional contracts shall be made unless hereafter authorized by law.*

Mr. MASON. The Senator admits that that was on an appropriation act?

Mr. ALLISON. I do; certainly.

Mr. MASON. And is a limitation of the appropriation?

Mr. ALLISON. It is no limitation upon the appropriation.

Mr. MASON. It was a limitation upon that appropriation.

Mr. ALLISON. It was legislation pure and simple, and it was intended at that time to cover what the Appropriations Committee considered an abuse, namely: The Post-Office Department entered into contracts for the period of four years in New York City, Brooklyn, Philadelphia, and Boston without the subject of pneumatic-tube service having ever been considered by Congress, as we believed then at an extravagant rate of compensation, and a larger appropriation than was necessary to pay for the existing contracts was proposed on this floor. The committee believed that the Postmaster-General having entered into contracts for this service for a period of four years, although the service had not been authorized by law, we were in duty bound to pay the amount contracted for to those people during the period of the contracts.

Now, those three or four contracts, or whatever the number is, will expire on the 1st day of July. We are now up to the question whether or not we shall continue the system of pneumatic-tube service in the cities where it is now existing and for which contracts were made, or whether we shall make no further appropriations upon this subject, or whether we shall extend the system to other cities. That is the question.

The Senator from Illinois puts me in the attitude here of endeavoring to discriminate against the city of Chicago, in the State of Illinois. That is not my contention. This statute was approved on the 2d day of June, 1900. It was intended, then, that hereafter, if a contract was to be made with patentees or private parties for the rental use of pneumatic tubes in cities, the contracts should be authorized by law, and that if the contract was made it should be upon public bidding and letting and advertising, and that when made it should be effective for the purpose indicated. Therefore the Senate put upon notice the Committee on Post-Offices and Post-Roads and all other committees of this body that the question of pneumatic-tube service was a grave question, that it might involve in the end an expenditure of twenty-five million or fifty million dollars, and that the United States Government and its postal revenues would be subjected to exactions for the rental use of these tubes in great cities.

We believed, also, whether wisely or otherwise, that if that was to be done it would result principally in serving the local mails in the great cities, and that it would not be so beneficial to the great volume of the mail that goes from one end of this country to the other; that it would be largely local in its nature, and that when that was done it ought to be done by imposing a small additional postage for the city matter that was to be distributed through the pneumatic tubes and the rental price of which was paid for by the General Government, either through its postal revenues or through a payment out of the Treasury.

We expected that there would come from some committee of this body a most carefully revised and devised scheme which



should have its origin in the Post-Office Department, where all matters of this kind are in the first place considered, and through which crucible the whole matter should go. That was our view, and in connection with that, although there was a postal commission at that time discussing the question and considering it, we agreed in this body to an amendment which should give the Postmaster-General authority, in addition to what we had done already, to make an investigation of his own, through experts and otherwise, and we appropriated \$10,000 for that purpose, I believe, in the same appropriation bill.

Thereupon the Postmaster-General did enter upon that investigation and undertook the investigation on behalf of the Department, and he did summon various people having expert knowledge of this subject, and afterwards appointed also a special commission. I have the report before me which was submitted to the House on the 4th of January. It is House Document No. 289. I submit that anyone who will take this report of the Postmaster-General and scan it from its beginning to its ending will be convinced that this question is still in such an experimental stage that we do not want to dump in \$500,000 or any other sum without limitations or restrictions as to what shall be done with the money.

Mr. FAIRBANKS. I should like to ask the Senator whether or not all of these pneumatic-tube contracts expire at the close of the present fiscal year?

Mr. ALLISON. As I understand, they all expire at the end of the present fiscal year.

Mr. WOLCOTT. The 1st of July.

Mr. FAIRBANKS. And the appropriations have heretofore been made to continue the payments under those contracts?

Mr. ALLISON. Under those contracts made four years ago.

Mr. FAIRBANKS. The proposed appropriation is for continuing those contracts another year and at the old rates?

Mr. ALLISON. The amount of those contracts, as I understand—

Mr. WOLCOTT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. ALLISON. Certainly.

Mr. WOLCOTT. The amount of the present contracts is \$235,000. Under this proposed appropriation the Postmaster-General may continue the existing contracts or he may dump them all and spend the money anywhere. He may do as he likes.

Mr. FAIRBANKS. So this is not necessarily based upon the terms of the old contracts?

Mr. WOLCOTT. Not in the slightest.

Mr. CULLOM. Will the Senator allow me? I should like to know the substance of what the Postmaster-General recommended in reference to the future action of the Government on this question, if the Senator has it so that he can state it.

Mr. ALLISON. I have his report.

Mr. CULLOM. I have been unable so far, without reading his report, to find out from the discussion here whether the Postmaster-General recommends the appropriation of the \$500,000 or any other sum.

Mr. ALLISON. As to the \$500,000 I do not know, but the Postmaster-General, in a general way, and these experts do say that this is a useful method of distributing the mail. They do say that it is an expensive method, but they think that the value of this method of transportation is greater than the cost. That may be if you have it properly adjusted.

Mr. MASON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Illinois?

Mr. ALLISON. Certainly.

Mr. MASON. Is not the Senator mistaken? They say while the cost is great, the demonstrable advantage is proportionately greater.

Mr. ALLISON. That is just what I was saying. The Senator did not understand me.

Mr. MASON. I did not understand the Senator from Iowa.

Mr. ALLISON. That is what the Postmaster-General says. That may be true in the cities; doubtless it is true in a city like New York, or like Chicago, possibly; but now here is a general appropriation of \$300,000, which does nothing but repeals this absolute provision of law. This was not a law in an appropriation bill in the ordinary sense of the term, and controlling the appropriation in the bill. It was a definite, independent statutory provision, which was a prohibition upon the Postmaster-General, that he should make no additional contracts until thereafter authorized by law. What did that mean? It meant that if we saw proper to extend these contracts to Chicago or to San Francisco or to Cincinnati or to Baltimore or to St. Louis or to Denver the Postmaster-General should be authorized by law to make a contract for the pneumatic tubes in any one of those cities or in all of them, and that he should be restricted to a certain amount in making the contract.

Here are people who propose to build a pneumatic-tube service

in the city of Chicago. Nobody, so far as I know, has given a clear statement or has a clear understanding as to what the system will cost, as to how it is to be constructed, as to what proportion of the mail will be carried within those tubes when the tubes are in operation; whether it shall consist only of letter mail or whether it shall consist also of that great body of the mails which we call second-class matter, and so on. Now, what we intended by this statute was that some proper committee of this body, in connection with the Postmaster-General, should put around the law authorizing this enormous expenditure such restrictions and limitations as to give us the control from year to year over the appropriations. The Postmaster-General now, under this appropriation, if he chooses, can contract with the owners of the tubes in the cities of New York, Brooklyn, Boston, and Philadelphia for the continuation of the tubes already constructed or he can refuse to contract with them, and he can go wherever he chooses and make contracts for the construction of new tubes which are to be used by the postal service.

I should have been willing, and I am willing now, speaking for myself, to make an appropriation of a fair sum for the tubes which are performing service in these cities as a rental for their use. But I want it to be a sum year by year that we shall have the control over. If there is a sufficient amount of information as respects the Chicago tubes, it is possible we might enter upon that now. But I do not believe we are ready to enter upon it on an appropriation bill. I think we ought to enter upon that through such restrictive and directing legislation as will give us the control of it.

Here is my good friend from Illinois, who finds fault with me in regard to this matter. He has been upon the Committee on Post-Offices and Post-Roads for years, and yet, with a sympathetic committee, every year we are confronted with this question, without any restriction, in the last days upon an appropriation bill.

Notwithstanding the criticism made by the Senator from New Hampshire upon the point of order, if the law has the meaning its promoters intended it should have, it means that no contract shall be made until those contracts are authorized by law. Therefore this appropriation would be of no value for new contracts or for any contract now unless the statute is repealed.

Why is it that we can not have an appropriation here for the pneumatic tubes that are already in existence that we may know whether the rental is reasonable or unreasonable? If the Committee on Post-Offices and Post-Roads want to continue this service, why do they not bring in a measure proposing a certain amount which shall cover the contracts in existence or other contracts that they want to make?

Mr. MASON. Mr. President, I wish to say simply to the Senator from Iowa that I have no doubt we could agree upon such an amendment as he suggests, and it would be entirely satisfactory to me. All the information he asks for is in the report. I understand how difficult it is for members of the Senate to take the time to read these reports. I think it would possibly save time to have the report read, and I had intended to ask to have it read, because, I must say, the Senator makes statements which convince me that he has not read the report. The full plans and specifications are offered, and full and correct estimates are made for the extension of the service.

Mr. ALLISON. By the Post-Office Department?

Mr. MASON. Yes.

Mr. ALLISON. Will the Senator kindly turn my attention to that?

Mr. MASON. I do not know that I can turn my hand to it right at this moment, but the plan is suggested, surveys have been made, maps have been had. They have had access to the city maps, and reports have been made that give all the information necessary to show what will probably be the cost. The cost in New York has been reduced. We understand how difficult it is in starting in a new enterprise; how the first plan always costs more than the second and the second more than the third. Anyone who will read this report and read the suggestion of the people who control the New York system will find that they are ready to have an extension of that system and reduce the cost of the service to the Government something like 35, or I do not know but 45, per cent. The Senator from New Hampshire can tell me.

Mr. CHANDLER. Let me answer by sending up a letter from the Second Assistant Postmaster-General and having it read.

Mr. MASON. Very well. It simply shows what I have claimed from the start in this matter—that we could put this service in the city of Chicago at a much lower expense to the Government than it has ever been put in before anywhere. But we must have the Postmaster-General left in a position where he can exercise some discretion in regard to it. Nine out of ten of the Senators who are to vote on this question do not know what recommendations were made by the Department, and I can see no other way to get the report before them than to ask that the Secretary may read it. It is not long.

Mr. CHANDLER. Will the Senator first allow me to have



read, so as to get the cost of the existing service before the Senate, a letter from the Second Assistant Postmaster-General?

Mr. MASON. Certainly.

The PRESIDING OFFICER. The Senator from New Hampshire asks that the letter which he has sent to the desk be read. The Secretary will read the letter.

The Secretary read as follows:

POST-OFFICE DEPARTMENT,  
SECOND ASSISTANT POSTMASTER-GENERAL,  
RAILWAY ADJUSTMENT DIVISION,  
Washington, February 11, 1901.

DEAR SIR: I acknowledge the receipt of your communication asking to be furnished with a statement showing the cost of continuing the existing contracts for all pneumatic-tube mail service in the event of the price paid under the New York contracts being made 60 per cent of the present price and all other existing contracts being continued at the present rates of compensation.

In reply I have to state that the annual rate paid for all pneumatic-tube mail contracts is \$222,266. The contract price for the New York tube service is \$148,500. If the New York contract were continued at 60 per cent of the present cost the rate would be \$89,100, and the total sum for all the contracts would be \$162,866.

I inclose herewith the last annual report of the Second Assistant Postmaster-General and invite your attention to the tabulated statement, page 345; also to same subject on page 12 of that report.

Very respectfully,

W. S. SHALLENBERGER,  
Second Assistant Postmaster-General.

Hon. WILLIAM E. CHANDLER,  
Washington, D. C.

Mr. WOLCOTT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Colorado?

Mr. MASON. Certainly.

Mr. WOLCOTT. I desire to ask the Senator from Illinois if he desires to have the report of the Postmaster-General read before the decision of the point of order?

Mr. MASON. Yes; because that is largely a question of fact and largely a question of law. The Senate is to decide whether the point of order is well taken or not; and the Senator from Iowa in making his point of order speaks as to the merits or demerits of this service, and by his speech shows clearly that he has not possession of the facts, which I hope he may have after he has heard the report. We spent \$10,000 to get this evidence before the Senate. The fact that it has not been here before is not my fault. I should have been very glad. Indeed, I have taken the liberty and gone to considerable trouble to see different members of the Senate whose speeches two years ago showed such ignorance on the subject that I begged them to read this report. I can not get people to read the report. Senators display by their speeches that they have not read it and do not comprehend the recommendations made by the Department, and I intend now to read briefly from the report of the Postmaster-General. It may be that if we would let the matter go over until to-morrow an amendment could be framed. I do not want to allow any large sum to the city of Chicago. Fifty thousand dollars—

Mr. WOLCOTT. I understand, then, that the report is to be read for the enlightenment of the Chair in its determination of the point of order.

Mr. MASON. No; the Chair has submitted it to the Senate.

Mr. WOLCOTT. I do not understand that the Chair has submitted it.

Mr. MASON. The Chair has indicated to the Senate that he would submit it to the Senate, and I am discussing it now for the enlightenment of members of the Senate, if I may have their attention.

Mr. BUTLER. If the Senator from Illinois will pardon me a moment, it must be apparent to the Senator that reading the report can not affect the position of the Senate as to the part of the proposed amendment which proposes to repeal an existing law prohibiting the extending of the contracts without a further enactment of Congress.

Mr. MASON. But this is the further enactment of Congress.

Mr. BUTLER. I know, but the Senator will remember the abuse that called forth the law. The Postmaster-General made contracts for four years. We have been four years paying them, and we are just getting through, on the 30th of June. Congress deliberately enacted that there should be no further contracts made without an enactment by Congress. We can not repeal that law without putting something in its place. If the Senator wants to further his object, he must simply offer some restriction in the use of this appropriation, for I take it no Senator will be willing to vote to wipe out all restriction and leave the Department to make the same kind of a contract that it did four years ago and bind us absolutely, at any price, and anywhere.

Reading the report of the Postmaster-General will not enlighten any Senator as to how he should vote on that question, because you are asking us to wipe out entirely all restrictions or regulations. If the Senator has something to offer in the shape of a substitute that will change the amendment and by some proposed enactment regulate the use of this appropriation, Senators might feel like voting some small appropriations.

I myself would feel that it might not be improper to continue the present service in New York, Philadelphia, and Boston at a reduced rate, if we can do it at a rate that seems to be just. The rates we have been paying heretofore everybody admits were enormous. They were too large. We should also, by an amendment, limit the number of contracts in Chicago, if we should authorize any service there, and limit the appropriation and have it specific.

I take it that the Senate can not vote intelligently on this question until the matter is in that shape. I am not speaking in a hostile spirit, but if the Senator will take it as sympathetic I suggest that he offer us something in that shape. I, in the committee, tried to get the committee to act on this line, and suggested to the chairman and several others that we attempt to frame some provision of law that would properly guard this matter; but the Senator insisted in the committee on having this amendment put in and to give him a showing before the Senate on it. The Senator objected to my proposition then. He did not take the suggestion kindly at that time. I hope he will take it kindly now. I do not think the reading of all the testimony that could be gathered from all over the world would make the Senate feel willing to throw down the bars and leave the Department to do as it did four years ago.

Mr. MASON. I think the suggestion of the Senator from North Carolina is fair. I did not understand the objection made by the Senator from Iowa to be the same as that made by the Senator from North Carolina. If that is what is wanted, I will prepare an amendment, and I will ask unanimous consent that it may be submitted and voted on to-morrow at 4 o'clock. Then, if the Senator from Iowa desires to raise the point of order at 4 o'clock on such an amendment as we may agree upon in the committee, of course he would have the privilege of doing so.

Mr. CHANDLER. I ask unanimous consent that the amendment may be divided and that we may consider first the appropriation and afterwards resume consideration of the repealing clause.

Mr. WOLCOTT. I shall object to that.

Mr. BUTLER. I will say, too, we can not do that until we know just what we are doing, and I am not willing to vote now for an appropriation of \$500,000.

Mr. MASON. I will state what I want to do. I want to carry out the suggestion made by the Senator from Iowa, if it is a suggestion, or certainly that made by the Senator from North Carolina. I wish to prepare and submit an amendment to carry out the usual custom in regard to making appropriations by the Post-Office Department for carrying the mails, to provide an appropriation not exceeding a certain sum—\$50,000 or \$75,000—for each of the three cities mentioned, for making a contract under the rules to be prescribed by the amendment.

Senators can see well that this suggestion takes me entirely by surprise. All I want to do is to have a fair vote upon all that we fairly ask. We do not expect a large sum. So far as Chicago is concerned, no dollar of this appropriation will probably be used. But we wish to have the Postmaster-General authorized to enter into a reasonable contract under such restrictions and rules as usually govern in matters of that kind. For that reason I ask that this amendment or the substitute offered for it may be voted upon to-morrow at 4 o'clock, the Senator from Iowa reserving, of course, his right to raise a point of order at that time if he desires.

Mr. WOLCOTT. Mr. President, I rise to a question of order.

The PRESIDING OFFICER. The Senator from Colorado will state it.

Mr. WOLCOTT. I understand there is a point of order presented for the decision of the Chair.

The PRESIDING OFFICER. There is.

Mr. WOLCOTT. And all debate is proceeding by unanimous consent. I ask for a decision on the point of order.

Mr. MASON. I have not yielded the floor. I have the floor. The Senator has a way of breaking in and getting recognition without asking the consent of anyone.

Mr. WOLCOTT. I beg the Senator's pardon. I supposed he was through or I should not have said a word.

Mr. MASON. I had not finished. I only stopped a moment to ask unanimous consent. If the Senator objects, I desire to proceed.

I will now read from the report of the Postmaster-General. I ought to say to Senators that this report is based upon evidence which he was a long time accumulating upon the subject. When there was a prospect of carrying passengers by rail and steam, the drivers of the stagecoach interfered. There has been no progress in any of the arts or sciences that some stage driver has not interfered with. When they met in convention they decided that to carry passengers by rail not only destroyed the business of the stage driver, but endangered the lives of the people; and they were able to hinder and delay all progress by that class of men standing in the way of new ideas and new things. In the Senate we find the same disposition. Notwithstanding the best-posted men in the United States on the subject employed by the Government, who have been at work for the Government for a quarter of a



century, have testified to the people of this country, and the Postmaster-General, relying upon their evidence and upon their report, says that you might as well discard the fast mail as to discard the pneumatic tube, the stage driver is here objecting to any progress, objecting to any plan that changes his ideas of carrying mails.

I say, Mr. President, I have a right to have an intelligent vote on this subject. The remarks that have been made by Senators show that they have no conception of the evidence taken before the Post-Office Committee. The Postal Commission did take some testimony on the subject. There are some members of that commission who really know the difference between a mail bag and a postage stamp, but most of them neither heard nor took evidence on the subject exceeding two or three days, and they are asking here in the Senate of the United States that this Senate shall close its eyes to the recommendations of the Department, shall close its eyes to the facts of the present situation, and take their statement that the time is not ripe for the city of Chicago to have the same advantages in handling its great mail that the city of Boston and the city of Philadelphia have.

Misstatement after misstatement has been made then and now in this Chamber. The facts are, as shown by the Postmaster-General's report, that a complete system could be made in the city of New York and that it would not increase the cost of the handling of the mails beyond \$75,000 a year, which is less than one per cent of their net earnings in the city of New York. How many men in this Chamber have seen the operation of the pneumatic tube? Mr. President, I desire to read from the report of the Postmaster-General. He says:

The investigation was directed to be made in eleven cities, namely, New York, Brooklyn, Boston, Philadelphia, Washington, Cincinnati, Chicago, St. Louis, New Orleans, Denver, and San Francisco.

After full consideration of the points to be determined and the practical method of reaching them, a careful plan of investigation was mapped out.

I should like to have this read in comparison with any careful plan mapped out by the Postal Commission to investigate the pneumatic-tube service, when they were originally instructed and were expected to investigate the pneumatic-tube service. I should like to see the maps and plans of investigating the pneumatic-tube service and compare them with the maps and the detailed plans and drawings and the estimates made by disinterested men in the mail service, who can have no interest in this matter except for the expedition of business and the carrying of the mails.

I want to say, Mr. President, there is no one Government service that is so near to the people as the service of the carrying of Government mails, and it ought to be expedited. Everything that can be used to make a swift and quick delivery should be used. If you have to use a patent, use it, and pay for it like an honest man would do. We do use patents, and the rule of the Government is to make a fair allowance for the use of them.

First, the Postmaster-General laid out his plan before he made this report, covering over 250 pages:

The plan next contemplated a thorough scrutiny of the local reports by a first general expert committee representing the Department, who should visit the several cities successively with authority to employ local engineer experts, and should, in conjunction with the local committee, revise the preliminary inquiry, obtain estimates and proposals from pneumatic-tube companies, with plans and specifications of all proposed extensions, and prepare such reports and recommendations as could command the approval and sanction of the joint committees. Finally, it was directed that all of the reports and information thus collected should be submitted to the investigation of a second general committee composed of citizens and experts of national standing, wholly unconnected with the Post-Office Department and with the pneumatic-tube companies, men of such high business character, professional training, and practical experience as specially qualified them to pass upon all of the questions involved and as certain to give weight and authority to their conclusions and recommendations.

The reports of these several local and general committees are herewith submitted to Congress, and they are commended to consideration as embracing a large volume of valuable information for the guidance of the legislative branch of the Government in acting on this subject. Attention is specially directed to the report of the second and final general committee, which was selected with great care with a view of securing an efficient representation of the best business, mechanical, and professional knowledge and experience.

Then the report goes on to state the business and scientific men and the civil engineers appointed on that committee. It then proceeds:

The report of this committee presents an intelligent and comprehensive answer to the inquiries embodied in the provision of Congress for the investigation. It reviews the exhibits and conclusions of the joint local committees and the first general committee representing the Department, and subjects their recommendations to the best tests of reasonable conditions and requirements which experience and practical wisdom can apply. It considers the feasibility and utility of the pneumatic-tube service as a permanent feature of the postal system; the conditions which should govern its maintenance and extension; the proper relation of cost to postal receipts; the ratio of expenditure which would be disproportionate to the benefits; the principles which should govern rental from private companies; the advantages of Government ownership, and the conditions under which it would be admissible and expedient.

I beg the Senator from Iowa will understand that the Postmaster-General is calling his attention, which he favors us with, as he has in the past, to "the principles which should govern rental from private companies, the advantages of Government

ownership, and the conditions under which it would be admissible and expedient." He then proceeds:

It will be seen that the committee concludes that the cost of constructing a pneumatic-tube system, with full equipment and power plant, should not exceed \$80,000 per mile for a line of 10 miles.

That is one of the points which we have been asked for repeatedly. It is one of the points of information which the Senator just said he is not yet possessed of. I am sure if his attention were turned this way, he would have possession of that point now—

and that, with allowance for interest and taxes, for annuity to cover depreciation, and for net earnings at 3 per cent, but not including labor and power-operating expenses, the proper charge for annual rental would be \$65,761 for a line of 10 miles. Upon the assumption of Government ownership, the committee estimates that the annual charge would be \$39,725. It does not believe, however, that it would be wise to enter upon Government ownership until the system shall be further developed and material improvements shall be made. The system is capable of such improvements. It is yet, in some senses, in the experimental stage. Different devices, methods, and companies are coming into the field. None of these companies have yet offered better terms than the existing contractors; but the process of development is going on, and the committee believes that before the Government acquires possession it should have the benefit of the improvements certain to be made.

The cost at which Government ownership may be effected is not definitely determined, because it was impossible at this stage to secure proposals or terms of sale of existing or projected systems. The pneumatic-tube companies answered that without State legislation protecting their franchises which also covered commercial service, and without submitting the question to stockholders, they were not in a position to give figures for the disposal of the property. An approximate estimate may, however, be reached through the conclusion of the committee as to the legitimate cost of construction, and the physical value of the system. This cost will decline as improvements shall be made, and governmental control may secure local concessions and advantages not attainable by private companies.

The final general committee fully concurs in the recommendations of the local and first general committees for the extension of the service in New York and Philadelphia; it favors the proposed addition in Boston of the tube connection between the post-office and the South Terminal Station, and it approves a limited application of the service in Chicago and St. Louis. It holds that where the ratio of cost to gross receipts does not exceed 3.1 per cent, the service is not only justified but expedient. In the cases named the ratio comes within the limitation. In all the other cases examined the ratio passes the limit, and the recommendations are, for this reason, disapproved. There is a broad line of demarcation differentiating the two classes of cases. The committee advises that before new contracts are made new bids should be required, with an exaction of the lowest terms obtainable. It also recommends—

Now, this part of it I am perfectly willing to have embodied in the amendment. This is a recommendation made by the Department; it is a suggestion made by the Senator from North Carolina [Mr. BUTLER], and I am perfectly willing to submit an amendment. All I have asked of the committee so far is to give me an opportunity to draft such amendments as may conform with the recommendations of the Postmaster-General.

It also recommends that all new leases should be accompanied by an option of Government acquisition when the conditions should be favorable.

I beg to call the attention of the Senator from Iowa to this recommendation, and I thank him very sincerely for his attention; he has such general knowledge of the subject:

The committee fully sustains the pneumatic method of mail transportation as a valuable and mechanically successful system, and gives effective illustrations of its importance to the business interests of the country in expediting mail communication.

The Postmaster-General says:

While the cost is great, the demonstrable advantage is proportionately greater.

In other words, we get an advantage in the transmission of mails proportionately greater than the increased cost.

Besides there are good reasons for believing that its maintenance and moderate extension in the large cities will stimulate an increased business which will pay its cost. The committee believes that the expense is capable of reduction with the further progress of improvements, and it is unanimous in recommending the retention of the service as it now exists and its limited extension as specifically indicated.

In this view the Department concurs. In the great cities the pneumatic-tube service is too important and vital an agency of postal expedition to be abandoned. It is an instrumentality which, within reasonable limitations, has come to stay as a part of the modern system of communication. It can no more be discarded than the fast mail train.

Yet Senators who have given at least fifteen minutes' time to this matter, who have pondered and turned their intellectualities as much as fifteen or twenty minutes to it, say that the whole system ought to be abandoned, notwithstanding the Postmaster-General says in his report and the experts say that it can no more be discarded than the fast mail train service.

The report continues:

To strain every nerve to save half an hour or an hour on the railroad and then to waste half an hour which might easily be saved at the point of departure or destination would be incongruous and unwise. The fast mail train is employed only where the conditions justify it. And so the pneumatic-tube service is to be used only where in sound reason the importance and value of the result warrant it; but within these bounds, as the committee of eminent citizens shows, it is to be sustained.

Mr. STEWART. May I ask the Senator a question?

Mr. MASON. Certainly.

Mr. STEWART. Without reading the whole report, can the Senator say whether there is in the report a plan for legislation with limitations, so that the Government can protect itself in advance? In other words, is there the substance of a bill in that report?



Mr. MASON. The suggestion is here, from which, as I have said, if I could have an opportunity I could prepare an amendment. If Senators are in good faith, I would ask that I be given an opportunity to draft an amendment with proper limitations, so as to protect the Government.

Mr. STEWART. I am one of the many who do not believe it is possible for any Senator to prepare an amendment here to accomplish that purpose while we are attempting to pass an appropriation bill. If we go on to provide this service for all these cities and make appropriations constantly for this pneumatic-tube service, which is covered by private charters in the different cities, the companies holding these charters will make a combination, and it will be a case of "stand and deliver" for millions and millions. Before we go into this business, it seems to me, either the committee or the Department ought to give us a bill with proper limitations. I am not prepared to vote in the air on this question.

Mr. MASON. Mr. President, I hope the chairman of the committee and those who are willing to give me a fair vote in this matter will let it go over until to-morrow, so that I may have an opportunity to prepare an amendment. My idea is this—and I will state it frankly to the Senate—an amendment to provide a basis for contracts to carry out the spirit of the law and to carry out the spirit of the report of the Postmaster-General. Then, if I fail and can not secure this pneumatic-tube service for Chicago, I have no disposition to be a "dog in the manger," and because I can not eat hay refuse it to those who are fond of it. I am willing to let the Senate fix the matter in any legal way it can to continue the contracts upon the best terms the Department can make. For my part, I want a fair test. I have not had it. This bill is being hurried through; we are getting near the close of the session, and for that reason I think I should have the same opportunity the chairman of the committee kindly gave me last year, so that we may have the matter determined.

Questions are being asked here to-day in regard to this matter, and they are answered in this book, which Senators say they have not had time to read. All I ask is that I may be permitted to prepare such an amendment as I have suggested, which I can not do in a moment at my desk. As there are other matters to be considered in relation to the railway mail pay, etc., and as there is to be debate upon them, I understand at some length, I ask unanimous consent to have the vote taken on the pending amendment at 4 o'clock to-morrow.

The PRESIDING OFFICER. The Chair understands objection was made previously to that request.

Mr. MASON. No objection has yet been made to this request. This is a new request.

The PRESIDING OFFICER. It is the same request, as the Chair understands.

Mr. MASON. But it is made at a different time; and I have not heard any objection to it.

Mr. SPOONER. Mr. President, I am in sympathy with the suggestion of the Senator from Illinois, but I want to ask him if it would not be better not to fix the hour for voting, and that the amendment shall be passed by for the present, and other subjects taken up?

Mr. MASON. Well, I will say at 2 o'clock to-morrow.

Mr. SPOONER. We may get through with this bill before that hour, and there is no time to lose in this session.

Mr. MASON. I know that. I will say, then, at half past 1 o'clock to-morrow.

Mr. CHANDLER. I suggest to the Senator from Illinois that he allow this amendment to go over until to-morrow, and not fix any time for voting upon it.

Mr. MASON. Very well.

The PRESIDING OFFICER. The Senator from Illinois asks unanimous consent that the amendment go over for the present, and that the amendment which he has outlined be submitted to the Senate to-morrow. Is there objection?

Mr. STEWART. I object until I can say a word.

The PRESIDING OFFICER. Objection is made.

Mr. STEWART. I want to make a remark. I am willing, if the amendment is to be passed over, that there shall be an amendment authorizing the Postmaster-General to submit a plan, properly guarded, at the next session of Congress. I do not believe it is possible for any Senator, even the Senator from Illinois, to prepare a proper amendment, with the knowledge we have before us, in a day or in a week, or during this session. I do not believe an amendment can be drawn which would properly guard the Government; because I see very well if we get these tubes all over the country, it will be a "stand and deliver" proposition to Congress all the time. These are private companies. There will be combinations of contractors in the various cities, and they will have influence enough to get their own price. Before we embark in this enterprise I want the price fixed and some systematic plan adopted.

I will object to any postponement for the purpose named by the Senator, because I believe it is utterly idle to think of doing it at

this session. If an amendment can be drawn authorizing the Postmaster-General to submit a plan at the next session, I will agree to that for the present.

Mr. MASON. Do I understand that the Senator objects to my request?

The PRESIDING OFFICER. The Senator from Nevada has objected to the request.

Mr. PETTIGREW. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from South Dakota?

Mr. MASON. I have not finished my remarks; but I will yield to the Senator.

Mr. PETTIGREW. I am perfectly willing the Senator shall complete his remarks.

Mr. MASON. No; I will yield to the Senator.

Mr. PETTIGREW. Mr. President, this proposition is one which does not involve the ownership on the part of the Government of the United States of the right to use these tubes. The proposition is to rent from a private company in New York, in Philadelphia, and in Boston, which invade the Post-Office buildings owned by the Government, put in their apparatus, and then we are to lease it from them.

It seems to me that the only amendment that ought to be entertained at all is an amendment which would provide that the Postmaster-General may investigate this invention, and if he finds it is of utility, to see what terms he can make for the purchase of it, so that it can be used by the Government in connection with the postal business.

Five hundred thousand dollars is almost 3 per cent on \$16,000,000. We furnish the power to operate these tubes in New York and in these other post-offices; and we are now paying 3 per cent on \$8,000,000 for the three cities which now have this service.

Mr. CULLOM. How much have the company spent?

Mr. PETTIGREW. In my opinion, they have not spent a million dollars. We were unable to find out how much they have spent. If this pneumatic system is a good thing, then the reason is overwhelming why we shall not make this appropriation, but shall undertake to purchase, if we can at a reasonable price, the right to use it for the mails, rather than to have a private company occupying the post-offices for the purpose of operating this system.

If we go on, \$500,000 will put the pneumatic tubes into four or five cities only, and it will cost 3 per cent on \$16,000,000 for the use of these tubes. When you get them into the different cities of the country everywhere, you will find you have built up a corporation with a capital stock of two or three hundred million dollars, representing an expenditure of less than one-tenth of the amount which the people of this country are for all time to pay interest upon.

I know of no argument that can possibly be made to justify going ahead with this scheme. It seems to me it is a scheme. The company do not offer to sell it to the Government, and I, for my part, can not see how anyone can advocate the building up by piecemeal and without any system, this great balloon of watered stock and compel the people of the United States for all time to pay interest on it.

Mr. MASON. Mr. President, I want simply to correct the Senator. The suspicion of the Senator, with which we are all so familiar, does not really fit this case. Every one of these contracts provides the terms under which the Government may buy, and the Postmaster-General recommends in his report that no contract be made, either for existing or future service, which does not provide for the Government purchase of these tubes whenever it is deemed advisable by the Government to do so.

If the Senator will take the time to read the documents sent here, he will find that all the information he asks for is subject to his order. A report was submitted at the beginning of this Congress in which the whole thing is explained. I do not know of any other way of getting the matter before the Senate than to read that part of the report to which I refer. I want to save as much time as I can, and so I shall only read at present a small portion of the report. I want to give the Senator a chance to see what the report contains in regard to Chicago.

Chicago.—The report of the "joint committee" at Chicago indorses the local committee's report, and finds that the proposition of the Chicago Pneumatic Service Company is the most favorable to the Government of the four proposals received, and this involves the laying down of 8.78 miles of 8-inch tubes between the main office, three depots, and seven other stations. The estimated annual payment amounts to 10 per cent on the estimated costs of constructions, plus \$26,118 operating expense, a total of \$143,050.50.

The wagon service to-day costs over \$100,000, and the committee say that its cost will be largely reduced.

Mr. PETTIGREW. I should like to ask the Senator if the report does not show that in New York and in Boston the putting in of the tubes did not decrease the cost of the wagon service?

Mr. MASON. No; it shows that the cost did not decrease as much as it would have decreased if the service had been honestly administered. At Philadelphia they did decrease it largely, but as to the wagon service in New York it is different. There they



have their contract, and the Senator can understand the difference between making a contract for pneumatic-tube service and for wagon service. I admit that the wagon service has not been reduced as much as it ought to have been; but in the city of Philadelphia the wagon service was largely reduced, as I showed to the Senate a year ago when this matter was under discussion. I have forgotten what the percentage of reduction was, but certainly 30 or 40 per cent. But in New York they run wagons anyhow, and if the tubes break down the tube company have to furnish wagons to carry the mails which they otherwise would carry in the tubes.

Mr. PETTIGREW. As I understand it, the saving is only infinitesimal, for it is only a small part of the mail that can be carried in the pneumatic tubes. The great bulk of the mail—the second and third class mail—must be carried in wagons. The pneumatic-tube service really does not reduce the cost of the wagon service to any appreciable extent.

Mr. MASON. In some respects that is true, but that does not state all of the proposition. True, the mail which is carried through the tubes is light mail, but it is the most important mail, the first-class mail, that is intended to be carried in the tubes, and that is the class of mail matter that gains time in going from the post-office to the railroad stations. For instance, by means of the pneumatic tubes you may mail a letter at 8 or 9 o'clock in the morning to catch the fast morning mail for the West, to be delivered at its destination the next day, whereas if it should be delayed five, ten, or twenty minutes, by being sent in a wagon, it would fail to catch that train.

As I say, I can not furnish force pumps to get this information into the minds of Senators; but if they will take the time to read the report and the propositions of the men who are skilled in this business, they will find there has been a great reduction in the cost of the service, and there is a reduction in every proposition that is now made.

Mr. WOLCOTT. Will the Senator from Illinois permit me to ask him a question?

Mr. MASON. Certainly.

Mr. WOLCOTT. The Senator has again and again intimated that nobody but himself has ever read this report or knows anything about it.

Mr. MASON. I beg pardon of the Senator. I said nothing of the kind.

Mr. WOLCOTT. While the Senator is elucidating this matter, perhaps he will tell us what is meant on page 18 of the report where the joint committees say in the third series of figures as to the city of Chicago, "cost of construction estimated by company, \$769,325.24." The last column gives the cost of construction—

Mr. MASON. Where is that?

Mr. WOLCOTT. Let me get through, and then the Senator can ask his questions.

The "cost of construction estimated by committees" is \$740,025. In the first column, "competing proposition submitted but not recommended by joint committees," the amount is given at \$213,920, as against \$740,025 as the cost of construction. Will the Senator from Illinois kindly tell us why the joint committees did not recommend the proposition to build at \$213,920 as against one at \$740,025?

Mr. MASON. I do not yet see from what place the Senator is reading.

Mr. WOLCOTT. If the Senator will look at the third table on page 18, he will find the figures.

Mr. MASON. I only see one table marked "Table 1."

Mr. WOLCOTT. Let the Senator look at the third set of figures below that on page 18.

Mr. PETTIGREW. I fear the Senator from Illinois is not very familiar with the report. [Laughter.]

Mr. MASON. If you have any doubt about it, if you will listen, you will find possibly there are many things here that I do not know, and some possibly that I do know. I know this, that every intelligent man connected with the postal service of the country, who has investigated this matter, is in favor of it, and every man here in this body who claims the contrary, because he has not had time to inform himself upon the subject, is against it, refuses to vote for the amendment, and refuses to help Chicago while we are going on to give this service to the city of Boston. The plant is there, and no one wants to stop it. Everyone knows that the plant in New York is to be extended. The city of Chicago needs this service; she needs it as much for her own use as it is needed by other people who write letters to persons in the city of Chicago; and yet Senators simply sit back and say, "We have not had time to read the report of the Postmaster-General, and we do not know anything about it."

I say an amendment can be drafted which will cover every objection made by the Senator from Iowa. I am willing to limit the appropriation for Chicago to \$50,000.

Mr. WOLCOTT. May I ask the Senator a question?

Mr. MASON. Certainly; I am ready to hear you.

Mr. WOLCOTT. Will the Senator kindly answer the inquiry I have made?

Mr. MASON. Yes; I will endeavor to do so. You say the third list refers to the city of Chicago. As to that the joint committees report:

Competing proposition submitted, but not recommended by joint committees, \$213,920.

Cost of construction estimated by company, \$769,325.24.

Mr. WOLCOTT. Read from the last column, "Cost of construction estimated by committees."

Mr. MASON. The "Cost of construction estimated by committees" is given at \$740,025.

Mr. WOLCOTT. Now, will the Senator kindly tell me why the committees recommended \$740,025 instead of the competitor who offered to build for \$213,920?

Mr. MASON. Because the competitor offered an entirely different plan, as I understand. My information is that it was an overhead plan that was offered, and the estimate, I think, was \$213,920, but I am not sure.

Mr. WOLCOTT. I can not find anything about an overhead plan in the report.

Mr. MASON. I can find it for you.

Mr. WOLCOTT. In the report?

Mr. MASON. Yes. There are 250 pages of the report. My understanding of the matter is entirely different from that of the Senator. It was not the proposition made by this company to carry the tubes pneumatically, by compressed air.

Mr. THURSTON. I suggest to the Senator from Colorado that I see nothing in these figures as yet which justifies the statement that the \$213,920 named refers to the cost of construction of the competing plan. It does not say that.

Mr. WOLCOTT. What does it say?

Mr. THURSTON. One is "cost of construction estimated by company," and the other is "competing proposition submitted but not recommended by joint committees."

Mr. WOLCOTT. What is the difference?

Mr. THURSTON. That is not the cost, I should take it, unless there is something in the report to show that the competing proposition was to operate at so much a year.

Mr. MASON. That is involved in the report of the Assistant Postmaster-General. There are only two pages of that, which I ask the Secretary to read. I think that will give some information on the subject which will perhaps be useful.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

#### PNEUMATIC-TUBE SYSTEM FOR TRANSMISSION OF MAIL.

DECEMBER 20, 1900.

DEAR SIR: I have the honor to transmit herewith a full report of the investigation authorized by the act of Congress approved June 2, 1900, relative to the transmission of mail by pneumatic tubes. The investigation was conducted by the Second Assistant Postmaster-General under orders and instructions of the Postmaster-General. It was decided to give the investigation a threefold character.

1. Local investigation in each of the cities selected, to be conducted by the postmaster and the division superintendent of the Railway Mail Service whose district embraced the city selected, this latter official having supervision of the dispatch of the mails.

2. Joint review and revision of local reports by the local committee, assisted by the general expert committee representing the Department, who should visit the cities selected in order and have authority to employ expert local engineering talent, if necessary, secure estimates from pneumatic-tube companies, accompanied with plans, specifications, and other necessary data, and prepare such reports as could be signed by the members of the local and general committees.

Mr. THURSTON. Before the reading is continued further, I should like to call the attention of the Senator from Colorado [Mr. WOLCOTT] to the items which go to make up this \$213,920. They are to be found on page 195. They are the estimated cost of one year's operation, and do not include any items of construction at all. The Senator will see they are the same figures, and, as I stated, the table to which he has referred makes a clear distinction between one column, which is the column of the cost of construction, and the other column, which is the column of the proposition for operation.

Mr. MASON. I want to state also, before the reading goes on, that the proposition recommended by the Postmaster-General for Chicago involves only \$75,000, and that it is the cheapest proposition which has been made. I now desire to have the reading of the statement concluded.

The PRESIDING OFFICER. The reading will be resumed.

The Secretary resumed and continued the reading, as follows:

This was substantially the method which has uniformly been employed by this office when arranging for contracts under appropriations authorized by Congress.

3. Final review of all data collected by the Department as a result of its investigation by a committee of experts of national reputation, not connected with the Post-Office Department nor in any way interested with pneumatic-tube companies, and yet persons who, by reason of talent, education, and practical experience in dealing with questions of similar character, might be deemed specially fitted to give the most intelligent and impartial advice to



the Department and to Congress touching the practicability of the transmission of mail by pneumatic tube, the reasonableness or otherwise of the estimated expenditures needful for the installation and operation of the tubes, and in general the public utility of such a service as related to the expedition and proper handling of the great bulk of first-class mail in the large cities of the country in which the Government assumes a monopoly and permits no interference by private or corporate carrying companies, however progressive they may be. It is with great satisfaction that I invite attention to the very able report of this last committee of seven experts, one of whom especially represents the manufacturing interests of the country, another the mercantile, and five represent various schools of civil and mechanical engineering. One of the seven resides at Chicago, one at Baltimore, one at Ithaca, one at Philadelphia, two at New York, and one at large, a passed assistant engineer, United States Navy, temporarily stationed at New York.

This committee state that their report "is not merely a majority report, but that it is unanimous. No difference of moment regarding any of the conclusions reached exists among the members of the committee."

In the concluding section of this report, section 10, entitled "Résumé," the committee says:

"(1) This committee finds the pneumatic method of mail transportation a novel, a valuable, and a mechanically successful system, ingeniously elaborated, and practically adapted in an admirable manner to the purposes of the Post-Office Department.

"(2) The committee finds the system of immense advantage to the business interests of the country in its facilitation of mail transmission, both locally and generally, throughout the United States.

"(3) The cost of this advance in postal methods is found to be necessarily large, but yet to be productive of more than proportional advantage in the large cities.

"(4) The Government, through its responsible officials, should be the final judge of the extent of ultimate adoption.

"(5) The committee advises the retention of all existing plants, and would recommend extensions in a limited number of cases, as specified in the body of this report.

"(6) The cost of the pneumatic service is believed to be capable of some reduction, and of very considerable reduction with the further progress of improvement.

"(7) It is recommended that the contracts hereafter made should be based upon proposals including exact specifications in detail with all required maps and plans, and capable of precise verification by the expert advisers of the Government.

"(8) Ownership by the Government is considered desirable whenever the systems adopted have passed the experimental stage.

"(9) A correct system of estimation of a proper rental is advised, and an illustration of such a method is given.

"(10) Leasing is admissible under special conditions, described in a general way in the body of this report.

"(11) Systems adopted should be as far as practicable standardized, and in operation interchangeability of mail packages therein should be secured.

"(12) The system of rental on the basis of a stated percentage of construction cost is condemned.

"(13) The Post-Office Department should be given precedence in assignment of space in the United States public buildings where post-offices are located, when such space is needed for essential machinery and apparatus and their accessories.

"(14) Certain general principles, as specified in this report, should be adopted and adhered to in the decision of questions bearing upon the introduction of such improvements as are here discussed, and in extension and further improvements."

These conclusions are fortified by facts and figures, which are admirably arranged and presented in the body of this report and are substantially in accord with the previous recommendations and practice of this office.

The Postmaster-General's order No. 989, dated August 13, 1900, directed the manner in which this investigation should begin and be conducted by this office, and reads as follows:

"The act of Congress making appropriations for the service of the Post-Office Department approved June 2, 1900, authorizes and directs the Postmaster-General to investigate and report to Congress in relation to the pneumatic-tube service as follows:

"For the investigation by the Postmaster-General of the cost of construction, operation, and utility of all systems of pneumatic tubes for the transmission of mail, including full details and maps and any estimates and proposals as to cost of construction, as well as the cost of stations and their operation, and all facts bearing upon the use of said tubes in connection with the mail service, to enable Congress to determine whether the service should be owned, leased, extended, or discontinued by the Government; also the cost at which the Government may acquire existing plants or necessary patents, \$10,000."

"Investigations will be conducted in a few of the principal cities of the country, and in each of these cities the postmaster, assisted by the superintendent of the Railway Mail Service in whose division the city is located, will proceed at once to a careful local investigation as to the necessity for a pneumatic-tube service for the transmission of mails or for the proper extension of the same where it now exists, having special reference to the volume of mail passing between the points where the installation of the service may be recommended, the size of the tube deemed necessary for present and prospective demands of the postal service, the space that may be available at terminal points and intermediate stations for the installation of the plant, the most economical and practical system, both as regards installation and maintenance, and all other facts pertinent to the general investigation contemplated by Congress.

"It is not assumed that the local committee, constituted as above, will necessarily report favorably upon the installation of any system of pneumatic tubes, but they will, on the contrary, prepare their report with reference to the needs of the service and the best interests of the Government, giving due consideration to the question as to whether the carriage of mail by pneumatic tube or other similar devices should be recommended between any given points. These investigations may include the possible use of single lines of small tubes as feeders to the trunk lines, and the question as to whether additional postage could be collected on first-class matter transmitted through the tubes.

"As soon as the local committee has completed its investigations and is ready to submit a report the postmaster will notify the office of the Second Assistant Postmaster General, and as soon thereafter as convenient a general committee of experienced postal officials, representing the Department, will be sent on the ground to make a thorough review of the investigation and of the report, in connection with the local committee, and after reaching conclusions satisfactory to a majority of the members of the local and general committee a joint report will be prepared by them and forwarded to the Department, accompanied with maps, plans, and specifications, fully describing the service which may be recommended.

"Before submitting a report the joint committee in each case will consult, and if deemed necessary employ expert civil and mechanical engineers to as-

sist in the work, the authority for employment of experts having first been secured from the Department on a statement of cost.

"While it is desired that all information pertinent to the general investigation ordered by Congress may be secured through one or more of these local reports, to be signed by the joint committee, care should be taken to avoid any unnecessary repetition or duplication of general information.

"The members of the general committee will be advised at once of their selection and will hold themselves in readiness to take up the local reports when called upon by the office of the Second Assistant Postmaster-General in the order designated by him.

"It is desired that the work proceed with as little delay as possible and that the reports be filed in the Department at the earliest date practicable.

"The necessary expenses incurred in connection with these investigations under the post-office act will be paid out of the appropriation therein made for this purpose."

Complying with this order, the following 11 cities were designated for examination as to the necessity for pneumatic-tube service: Boston, New York, Brooklyn, Philadelphia, Washington, Cincinnati, Chicago, St. Louis, New Orleans, Denver, and San Francisco. These particular cities were selected, not because they were believed to offer as a whole the most favorable conditions for the installation of pneumatic-tube mail service, but because they were fairly representative, by reason of location and importance, of the entire number of cities (27 in all) referred to in the hearings before Congressional committees preceding the legislation authorizing an investigation.

The Department had in no wise committed itself to the policy of installing the pneumatic-tube service in all of these cities, but deemed it proper that investigations should be conducted in the eleven selected. It was thought that certain tests applied to them would be productive of like results if applied to other cities of the country similarly situated.

The local committees provided for in the above order were as follows:

For Boston, George A. Hibbard, postmaster; Edward J. Ryan, superintendent, Railway Mail Service. For New York, Cornelius Van Cott, postmaster; V. J. Bradley, superintendent, Railway Mail Service. For Brooklyn, Francis H. Wilson, postmaster; V. J. Bradley, superintendent, Railway Mail Service. For Philadelphia, Thomas L. Hicks, postmaster; V. J. Bradley, superintendent, Railway Mail Service. For Washington, John A. Merritt, postmaster; C. W. Vickery, superintendent, Railway Mail Service. For Cincinnati, Elias R. Monfort, postmaster; O. T. Holloway, superintendent, Railway Mail Service. For Chicago, Charles U. Gordon, postmaster; E. L. West, superintendent, Railway Mail Service. For St. Louis, F. W. Baumhoff, postmaster; Still P. Taft, superintendent, Railway Mail Service. For New Orleans, J. R. G. Pitkin, postmaster; L. M. Terrell, superintendent, Railway Mail Service. For Denver, J. C. Twombly, postmaster; Still P. Taft, superintendent, Railway Mail Service. For San Francisco, W. W. Montague, postmaster; H. P. Thrall, superintendent, Railway Mail Service.

Mr. THURSTON. I ask unanimous consent that this amendment and the point of order involved may go over until to-morrow morning, and that we may complete the rest of the bill.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent that the amendment and the point of order involved may go over until to-morrow morning. Is there objection?

Mr. WOLCOTT. If the postponement of the ruling upon the question of order in no sense prolongs the discussion on the bill, I can have no objection to it. If we can now go on with the bill and the other amendments, and then at the incoming of the Senate to-morrow, at the conclusion of the morning business, the matter can be called up for final discussion and decision, I shall be content. Will that be satisfactory?

Mr. THURSTON. That was my view in asking it.

Mr. WOLCOTT. If that is the understanding, I interpose no objection.

Mr. HALE. And we will go on with the rest of the bill.

Mr. WOLCOTT. We will go on with the rest of the bill.

The PRESIDING OFFICER. The Chair will state for the information of the Senator from Colorado that all amendments have been disposed of except this one, and when it is disposed of the bill will be in Committee of the Whole, and open to further amendment; but none has yet been offered.

Mr. WOLCOTT. We can by unanimous consent go on with the consideration of the other amendments now pending not committee amendments.

The PRESIDING OFFICER. Unanimous consent is asked that the pending amendment and the point of order in connection therewith go over until to-morrow morning. Is there objection? The Chair hears none, and it is so ordered.

Mr. SEWELL. In connection with the pending amendment in relation to pneumatic tubes, I desire, if any amendment is adopted, that the work shall be thrown open to the public. I offer the amendment I send to the desk, and ask that it may be referred to the Committee on Post-Offices and Post-Roads and printed.

Mr. BUTLER. Let it be read.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. At the end of line 6, page 16, it is proposed to insert:

*Provided, That all contracts hereafter to be made shall first be advertised publicly for proposals in the manner now provided by law for advertising contracts for carrying mails, and shall only be made after and upon the approval of a board of three engineers, one of whom shall be appointed by the Secretary of the Treasury from the Treasury Department, one by the Secretary of the Navy from the Navy Department, and one by the Postmaster-General, who shall be some engineer known for skill and experience in such matters: And provided further, That all contracts hereafter to be made shall contain a stipulation that the United States may acquire, by purchase, any system constructed or to be constructed under such contract, upon the payment to the owner of such system of the value thereof, to be determined by a board of three appraisers, one of whom shall be selected by such owner, another to be appointed by the Postmaster-General, and the third by mutual agreement, or, in case of disagreement, by the judge of the district court of the United States for the district in which such system is located. Said appraisers in determining such price shall award and determine the actual structural value of said system, considering the use for which the same was designed, and may also take into account the earning power of such system.*



Mr. BUTLER. I should like to know if that is an amendment proposed to the pending bill?

Mr. WOLCOTT. Yes; but it goes over.

Mr. BUTLER. Does it come in on page 16?

Mr. SEWELL. It comes in after the present clause in relation to pneumatic tubes, if it is adopted.

Mr. WOLCOTT. Let it go over and be printed.

Mr. BUTLER. Mr. President, I offer an amendment, to come in on page 17, line 2.

The PRESIDING OFFICER. The Senator from North Carolina offers an amendment, which will be stated.

The SECRETARY. On page 17, line 2, strike out the words "thirty-four million seven hundred thousand dollars" and insert in lieu thereof:

Thirty-two million dollars; and the Postmaster-General is hereby authorized and directed to readjust the compensation to be paid from and after the 1st day of July, 1901, for the transportation of mails on railway routes by reducing the compensation to all railroad companies for the transportation of mails 5 per cent per annum from the rate fixed in section 4002 of the Revised Statutes as amended by the act of July 12, 1876, and as further amended by the act of June 17, 1878, for the transportation of mails on the basis of the average weight; and also to further reduce such compensation on weights in excess of 5,000 pounds daily per mile of line in accordance with the following schedule:

One per cent on roads now receiving from 16.50 cents to 20 cents per ton per mile; 2 per cent on roads now receiving from 14 cents to 16.51 cents per ton per mile; 3 per cent on roads now receiving from 12.31 cents to 14 cents per ton per mile; 4 per cent on roads now receiving from 11.25 cents to 12.31 cents per ton per mile; 5 per cent on roads now receiving from 10 cents to 11.25 cents per ton per mile; 6 per cent on roads now receiving from 9.21 cents to 10 cents per ton per mile; 7 per cent on roads now receiving from 8.81 cents to 9.21 cents per ton per mile; 8 per cent on roads now receiving from 8.41 cents to 8.81 cents per ton per mile; 9 per cent on roads now receiving from 8.10 cents to 8.41 cents per ton per mile; 10 per cent on roads now receiving from 7.67 cents to 8.10 cents per ton per mile; 11 per cent on roads now receiving from 7.34 cents to 7.67 cents per ton per mile; 12 per cent on roads now receiving from 7 cents to 7.34 cents per ton per mile, and the above amount appropriated shall cover full compensation for railway mail transportation.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from North Carolina.

[Mr. BUTLER addressed the Senate. See Appendix.]

Mr. PETTIGREW. If the Senator from North Carolina will yield to me, I make the point that there is no quorum present. I think this is an important matter, and I think we ought to know whether this mail pay is not a greater subsidy than is proposed by the ship-subsidy bill.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Senator from South Dakota makes the point that there is no quorum present. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Cullom,	McEnery,	Simon,
Allison,	Daniel,	Martin,	Spooner,
Bacon,	Depew,	Mason,	Stewart,
Bate,	Dillingham,	Morgan,	Sullivan,
Berry,	Fairbanks,	Nelson,	Teller,
Burrows,	Gallinger,	Pettigrew,	Tillman,
Butler,	Hanna,	Pettus,	Turley,
Caffery,	Hawley,	Platt, Conn.	Vest,
Carter,	Jones, Ark.	Pritchard,	Warren,
Chandler,	Kean,	Quarles,	Wetmore,
Clay,	Kearns,	Sewell,	Wolcott,
Cockrell,	McComas,	Shoup,	

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. A quorum is present. The Senator from North Carolina [Mr. BUTLER] is entitled to the floor.

Mr. BUTLER. Mr. President—

Mr. WOLCOTT. I hope the Senator will proceed, so that we can go on with the bill until 6 o'clock and then take an adjournment until to-morrow, if that be satisfactory to him.

Mr. BUTLER. I shall not be able to finish to-night.

Mr. WOLCOTT. I understand that; but will the Senator be willing to proceed until 6 o'clock, then let the bill go over until to-morrow, and take an adjournment? I think that will facilitate the passage of the bill. We have a quorum present.

Mr. SEWELL. I ask the Senator from North Carolina, in case he is not going to finish his remarks this evening, if he will allow me to secure final action on the Military Academy appropriation bill? I think it will only take a few minutes.

Mr. BUTLER. I was just going to say that when the question of no quorum was raised I was calling attention to testimony which, to my mind, shows that the Senator from Colorado [Mr. WOLCOTT], who was chairman of the Postal Commission, was incorrect in the statement he had just made, and that caused some Senators to think that the Senator from Colorado and other Senators ought to be here. It has been suggested to me that we might postpone future discussion of this bill until to-morrow morning. That would be agreeable to me. At this hour—near 6 o'clock—I know it is difficult to keep a quorum.

I am anxious that as many Senators should be present as possible, and I think Senators interested in this question would like to be present. Therefore I ask the chairman of the committee if he will allow the bill to go over until to-morrow morning?

Mr. WOLCOTT. Acting on the suggestion of the Senator from North Carolina, I am willing that he shall finish his discussion of the bill to-morrow; and after listening to what the Senator from New Jersey [Mr. SEWELL] desires to say, I shall move an executive session.

Mr. BUTLER. That will be satisfactory to me.

#### MILITARY ACADEMY APPROPRIATION BILL.

Mr. SEWELL. I call up the report of the committee of conference on the Military Academy appropriation bill. The report has been read, and was printed at the suggestion of several Senators. I think there can be no possible objection to it now.

The PRESIDING OFFICER. The Chair lays before the Senate the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12846) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1902. The question is on agreeing to the conference report.

Mr. DANIEL. Has the conference report been read, Mr. President?

The PRESIDING OFFICER. The Chair is informed that the report has heretofore been read.

Mr. DANIEL. Mr. President, I observe in the newspaper account of this conference report—the Senator from New Jersey [Mr. SEWELL] will correct me if the account is mistaken—that it recommends that a cadet at the Westpoint Military Academy who might be dismissed for hazing should be disfranchised from ever holding a commission in the Army of the United States.

I believe for the Congress of the United States to adopt so extreme and cruel a punishment for such a cadet would be worse than hazing, and that it would be a worse offense against the law than that which it interdicts.

Mr. SEWELL. I will say to the Senator that the Senate has already adopted that clause.

Mr. ALLISON. It was in the bill as it passed the Senate.

Mr. SEWELL. Yes.

Mr. DANIEL. And it is in the conference report?

Mr. SEWELL. Yes; but, as I have stated, it was provided in the bill as it originally passed the Senate that a cadet found guilty by a court-martial of this offense should be so punished.

Mr. DANIEL. That does not change my opinion of it.

Mr. SEWELL. The provision was that such a cadet should not only be dismissed the service, but should be ineligible for further appointment in the Army, Navy, or Marine Corps.

Mr. DANIEL. He is to be disfranchised for life because of some hazing at Westpoint. I do not think Congress has a right to disfranchise a man for life without the commission of some crime to which such a punishment is attached as a penalty. I think it is an extreme and gross invasion of the principles of personal right, to which I could never give my assent.

I do not mean any disrespect to any gentleman who differs with me in expressing myself thus strongly, and I hope my words will not be taken as in any respect offensive to any gentleman who may disagree with me; but this is an extreme and cruel punishment, in my judgment, for Congress to attempt to inflict upon a young man at school for something that may not have been very gross in itself. The rules of the Academy are very rigid. I do not know that there is any definition in law or definition in the statutes as to what hazing may be; but in this report a petty offense, not malum in se, involving no moral dereliction, the freak of youth, is treated as if it were some high crime, worthy of following and shadowing his whole life.

It seems to me, Mr. President, for wise and sedate lawmakers, men who have had large experience with affairs of the world, who have gone through the hard knocks of the world and know something of what it is, to attempt to visit so harsh a judgment upon young men who may be in their teens is a worse offense upon their part than the offense which it seeks to condemn and hold up to perpetual public opprobrium and to disfranchisement. There is no cure for so tremendous a visitation of judgment upon the head of a youth at the Westpoint Military Academy.

I have no doubt that at the Westpoint Military Academy, and at other academies in this country, young men have gone too far in the liberties they have taken with others. I believe that rigid discipline should be applied to them, and that they should be held up to greater moderation in their frolicsome spirit; but it does not call, Mr. President, for so condign a punishment as this. This will revolt the good sense of the country; it will arouse indignation in the breasts of the young men instead of being regarded by them as a suitable and just punishment meted out with due consideration of the act punished.

It seems to me, sir, it will be a stain upon the statute books of the United States to say that because a youth at Westpoint has gone too far in tampering with his comrades, or even in some frolicsome mistreatment of his comrades, he shall never hold a commission in the Army or Navy of the United States or in the Marine Corps, however good he may become and however worthily and firmly his character may be established.



Why, Mr. President, some of the worst boys I have ever known have turned out to be the best men. We ought not to forget that we have been boys once. This is an utter disregard of the rules and the history of human nature. You do not improve anybody, you do not improve the morals of society, you do not improve the temper in which men approach any subject which they discuss, by getting mad, and going and visiting some extreme, harsh penalty upon a whole class in a moment when public attention has been called to the matter, and when there is some public indignation over a particular case here and there which may have merited it.

States are not governed, armies are not disciplined, boys are not trained up to become noble and just and law-abiding men by any such visitation upon them. I would not vote for any bill which had such a provision in it, nor vote to confirm any conference report which sought to mete out so ill measured a penalty upon such an offense.

I hope, if there is any attempt to pass this bill with that provision in it, that a new conference may be held; and, if I could, I would instruct the conferees of the Senate to insist upon the expurgation of that clause of this bill from it. I do not wish to detain the Senate a moment further in the midst of the crush of matters which now engage its attention.

Mr. BUTLER. Will the Senator from Virginia pardon me a moment?

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from North Carolina?

Mr. DANIEL. I have finished.

Mr. BUTLER. I am very much in sympathy with the views the Senator from Virginia has expressed, and shall myself have something to say about this matter. It is very evident that we can not dispose of the conference report to-night, and I ask the Senator from New Jersey to let it go over until to-morrow.

Mr. SEWELL. Mr. President—

Mr. PETTUS. I hope the Senator from New Jersey and the Senator from North Carolina will allow me to say a word about the very question which the Senator from Virginia [Mr. DANIEL] has so well discussed.

Mr. BUTLER. I want it to go over.

Mr. WOLCOTT. I will ask the Senator from Alabama if he would not prefer to say what he has to say to-morrow, and let the report go over?

Mr. PETTUS. Very well.

Mr. WOLCOTT. I will ask that the conference report go over until to-morrow, if the Senator from New Jersey does not object.

Mr. SEWELL. If the conference report is to lead to further debate, I will consent that it go over until to-morrow.

#### EXECUTIVE SESSION.

Mr. WOLCOTT. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 19, 1901, at 11 o'clock a. m.

#### NOMINATIONS.

*Executive nominations received by the Senate February 18, 1901.*

##### EXAMINER OF DRUGS, ETC.

William H. Parker, of Massachusetts, to be special examiner of drugs, medicines, and chemicals in the district of Boston and Charlestown, in the State of Massachusetts, to succeed Erastus Hopkins, resigned.

##### PROMOTION IN THE NAVY.

Lieut. Commander Theodor Porter, to be a commander in the Navy from the 29th day of January, 1901, vice Commander Franklin Hanford, promoted.

TO BE ASSISTANT SURGEONS OF VOLUNTEERS WITH THE RANK OF CAPTAIN.

George W. Daywalt, of California (acting assistant surgeon, United States Army), February 14, 1901.

Frederick C. Jackson, of Ohio (acting assistant surgeon, United States Army), February 14, 1901.

#### ARMY OF THE UNITED STATES.

##### ORDNANCE DEPARTMENT.

Capt. Rogers Birnie, Ordnance Department, to be major, February 7, 1901, vice Dutton, retired from active service.

##### CORPS OF ENGINEERS.

##### To be captains.

First Lieut. John S. Sewell, Corps of Engineers, February 2, 1901, to fill an original vacancy.

First Lieut. James F. McIndoe, Corps of Engineers, February 2, 1901, to fill an original vacancy.

First Lieut. Jay J. Morrow, Corps of Engineers, February 2, 1901, to fill an original vacancy.

##### ORDNANCE DEPARTMENT.

##### To be major.

Capt. Andrew H. Russell, Ordnance Department, February 2, 1901, vice Butler, promoted.

##### To be captain.

First Lieut. Tracy C. Dickson, Ordnance Department, February 2, 1901, vice Whipple, retired from active service.

##### SIGNAL CORPS.

##### To be majors.

Capt. George P. Scriven, Signal Corps, February 2, 1901 (subject to examination required by law), to fill an original vacancy.

Capt. William A. Glassford, Signal Corps, February 2, 1901, to fill an original vacancy.

Capt. Joseph E. Maxfield, Signal Corps, February 2, 1901, to fill an original vacancy.

##### CAVALRY ARM.

##### To be majors.

Capt. Daniel C. Pearson, Second Cavalry, February 2, 1901, to fill an original vacancy.

Capt. Herbert E. Tutherly, First Cavalry, February 2, 1901 (subject to examination required by law), to fill an original vacancy.

Capt. Luther R. Hare, Seventh Cavalry, February 2, 1901, to fill an original vacancy.

##### To be captains.

First Lieut. Jesse McL. Carter, Fifth Cavalry, February 2, 1901, vice Fountain, Eighth Cavalry, promoted.

First Lieut. Harry G. Trout, Second Cavalry, February 2, 1901, vice Pearson, Second Cavalry, promoted.

##### ARTILLERY CORPS.

##### To be majors.

Capt. Walter Howe, Artillery Corps, February 2, 1901, vice Burbank, promoted.

Capt. Peter Leary, jr., Artillery Corps, February 2, 1901, vice Mills, promoted.

Capt. Ephraim T. C. Richmond, Artillery Corps, February 2, 1901, to fill an original vacancy.

Capt. Ramsay D. Potts, Artillery Corps, February 2, 1901, to fill an original vacancy.

##### To be captains.

First Lieut. Charles T. Menoher, Artillery Corps, February 2, 1901, vice Caziarc, promoted.

First Lieut. T. Bentley Mott, Artillery Corps, February 2, 1901, vice Rogers, retired from active service.

First Lieut. Gustave W. S. Stevens, Artillery Corps, February 2, 1901, vice Howe, promoted.

First Lieut. Richmond P. Davis, Artillery Corps, February 2, 1901, vice Leary, promoted.

First Lieut. Ernest Hinds, Artillery Corps, February 2, 1901, vice Richmond, promoted.

First Lieut. Wirt Robinson, Artillery Corps, February 2, 1901, vice Van Ness, retired from active service.

First Lieut. George F. Landers, Artillery Corps, February 2, 1901, vice Potts, promoted.

##### INFANTRY ARM.

##### To be major.

Capt. George H. Roach, Seventeenth Infantry, February 2, 1901, vice Noble, Twenty-fifth Infantry, promoted.

##### To be captains.

First Lieut. John S. Switzer, Fourth Infantry, February 2, 1901, vice Hewitt, Nineteenth Infantry, retired from active service.

First Lieut. Herbert O. Williams, Twenty-first Infantry, February 2, 1901, vice Clagett, Eleventh Infantry, promoted.

First Lieut. George D. Guyer, Sixteenth Infantry, February 2, 1901, vice Crane, Twenty-fourth Infantry, promoted.

First Lieut. William F. Grote, Eighteenth Infantry, February 2, 1901, vice Bailey, Fifth Infantry, promoted.

First Lieut. William H. H. Chapman, Twenty-fifth Infantry, February 2, 1901, vice Paulding, Tenth Infantry, promoted.

#### PROMOTIONS IN THE MARINE CORPS.

First Lieuts. Philip S. Brown, John F. McGill, Louis M. Gulick, David D. Porter, and Arthur J. Matthews, to be captains in the United States Marine Corps from the 23d day of July, 1900, to fill vacancies existing in that grade.

Second Lieuts. Herbert J. Hirshinger, Henry D. F. Long, Harry R. Lay, Charles C. Carpenter, Charles B. Taylor, Alexander S. Williams, Fred M. Eslick, Louis McC. Little, John G. Muir, and Frederic M. Wise, jr., to be first lieutenants in the United States Marine Corps, from the 23d day of July, 1900, to fill vacancies existing in that grade.



### CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 18, 1901.*

#### PROMOTIONS IN THE ARMY.

##### MEDICAL DEPARTMENT.

Lieut. Col. Peter J. A. Cleary, deputy surgeon-general, to be assistant surgeon-general, with the rank of colonel, February 4, 1901.

Maj. Charles B. Byrne, surgeon, to be deputy surgeon-general, with the rank of lieutenant-colonel, February 4, 1901.

##### CAVALRY ARM.

##### To be first lieutenants.

Second Lieut. Charles T. Boyd, Fourth Cavalry, February 2, 1901.

Second Lieut. Henry C. Whitehead, Tenth Cavalry, February 2, 1901.

#### APPOINTMENTS IN THE VOLUNTEER ARMY.

*To be assistant surgeons of volunteers with the rank of captain.*

Harry A. Littlefield, of Oregon, late acting assistant surgeon, United States Army, February 9, 1901.

Frederick W. Cox, of South Dakota, late captain and assistant surgeon, First South Dakota Volunteers, February 9, 1901.

Gerry S. Driver, of the District of Columbia, acting assistant surgeon, United States Army, February 9, 1901.

Justus M. Wheate, of Indiana (acting assistant surgeon, United States Army), February 11, 1901.

Francis M. McCallum, of Kansas (acting assistant surgeon, United States Army), February 11, 1901.

#### APPOINTMENT IN THE REVENUE-CUTTER SERVICE.

Michael N. Usina, of Georgia, to be a second assistant engineer in the Revenue-Cutter Service of the United States.

#### POSTMASTERS.

W. H. Marston, to be postmaster at Fitzgerald, Irwin County, Ga.

Kate Helmick, to be postmaster at Thomas, Tucker County, W. Va.

### HOUSE OF REPRESENTATIVES.

*Monday, February 18, 1901.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of Saturday's proceedings was read and approved.

JAMES A. THOMAS.

Mr. LOUDENSLAGER. Mr. Speaker, I desire to present a conference report upon the bill (S. 2432) granting an increase of pension to James A. Thomas, and I ask that the statement be read and that the reading of the report be dispensed with.

The SPEAKER. The gentleman from New Jersey asks that the reading of the report be dispensed with and that the statement be read. Without objection that will be done.

There was no objection.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill S. 2432, "An act granting an increase of pension to James A. Thomas," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to an amendment as follows: Strike out the matter inserted by said amendment, and, in line 8, strike out the words "of \$45 per month," and insert in lieu thereof the words "to which his disability on account of loss of left arm may entitle him under the act of August 4, 1886," and the House agree to the same.

H. C. LOUDENSLAGER,  
J. H. BROMWELL,  
J. F. STALLINGS,  
*Managers on the part of the House.*  
J. H. GALLINGER,  
GEO. L. SHOUP,  
JAS. P. TALIAFERRO,  
*Managers on the part of the Senate.*

The Clerk read the statement, as follows:

HOUSE OF REPRESENTATIVES, February 15, 1901.

The managers on the part of the House in the conference on the disagreeing votes of the two Houses on Senate bill No. 2432, granting an increase of pension to James A. Thomas, report that the Senate passed the bill at \$45 per month and the House amended it to \$35 per month. At the conference the Senate receded from its disagreement to the House amendment, and the conferees agreed to the following amendment:

In line 8 strike out the words "of \$45 per month" and insert in lieu thereof the words "to which his disability on account of loss of left arm may entitle him under the act of August 4, 1886."

H. C. LOUDENSLAGER,  
J. H. BROMWELL,  
J. F. STALLINGS,  
*Managers on the part of the House.*

The conference report was agreed to.

### CENTENNIAL CELEBRATION OF THE LOUISIANA PURCHASE.

Mr. TAWNEY. Mr. Speaker, by direction of the Special Committee on the Centennial of the Louisiana Purchase I move to suspend the rules and to take up the bill (H. R. 9829) to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory by the United States by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea in the city of St. Louis, in the State of Missouri.

I ask that the amendment by the way of a substitute be read in place of the original bill.

The SPEAKER. The gentleman from Minnesota, the chairman of the Special Committee on the Centennial of the Louisiana Purchase, by direction of that committee, moves to suspend the rules and put upon its passage the bill H. R. 9829, with an amendment recommended by the committee. Is a second demanded?

Mr. MOODY of Massachusetts and Mr. MADDOX. I demand a second.

Mr. TAWNEY. I ask that a second be considered as ordered.

The SPEAKER. The gentleman from Minnesota asks that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Minnesota will be recognized in favor of the bill and the gentleman from Georgia in opposition. The Clerk will read the bill as amended. The Chair will ask the gentleman from Minnesota if this amendment is by way of a substitute?

Mr. TAWNEY. By way of a substitute, and I ask that the substitute be read.

The SPEAKER. Without objection, the amendment will be read by way of substitute, and not the original bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That an exhibit of arts, industries, manufactures, and products of the soil, mine, forest, and sea shall be inaugurated in the year 1903, in the city of St. Louis, in the State of Missouri, as herein provided.

SEC. 2. That a nonpartisan commission is hereby constituted, to consist of nine commissioners, to be known and designated as the "Louisiana Purchase Exposition Commission," who shall be appointed, within thirty days from the passage of this act, by the President of the United States, and who shall also be subject to removal by him. Vacancies in said commission to be filled in the same manner as original appointments.

SEC. 3. That the commissioners so appointed shall be called together by the Secretary of State of the United States, in the city of St. Louis, by notice to the commissioners, as soon as convenient after the appointment of said commissioners, and within thirty days thereafter. The said commissioners, at said first meeting, shall organize by the election of their officers, and they may then, or thereafter, appoint such executive or other committees as may be deemed expedient, and a secretary at a salary of \$3,000 per annum; that in addition to the salary of the secretary of said commission there is hereby allowed, out of any money appropriated to aid in carrying forward said exposition, the sum of \$10,000 per annum, or so much thereof as may be necessary, for the purpose of defraying the clerical, office, and other necessary expenses of said commission.

SEC. 4. That said commission, when fully organized under the provisions of this act, shall appoint two of their number to act in conjunction with a like number appointed by the Louisiana Purchase Exposition Company, to constitute a board of arbitration, to whom all matters of difference arising between said commission and said company concerning the administration, management, or general supervision of said exposition, including all matters of difference arising out of the power given by this act to the said company or to the said national commission to modify or approve any act of the other of the two bodies, shall be referred for determination; and in the case of the failure of said board of arbitration to agree upon such matters as may be so referred, said board of arbitration shall appoint a fifth member thereof; and in case of the failure of the said board to agree upon a fifth member, such fifth member shall then be appointed by the Secretary of the Treasury; and the decision of said board shall be final in all matters presented to it for consideration and determination.

SEC. 5. That said commission be empowered, in its discretion, to accept, for the purposes of the exposition herein authorized, such site as may be selected and offered, and such plans and specifications of buildings for such purpose at the expense of and tendered by the corporation organized under the laws of the State of Missouri known as "The Louisiana Purchase Exposition Company."

SEC. 6. That the allotment of space for exhibitors, classification of exhibits, plan and scope of the exposition, the appointment of all judges and examiners for the exposition, and the awarding of premiums, if any, shall all be done and performed by the said Louisiana Purchase Exposition Company, subject, however, to the approval of the commission created by section 2 of this act; and said commission is hereby authorized to appoint a board of lady managers, of such number and to perform such duties as may be prescribed by said commission, subject, however, to the approval of said company. Said board of lady managers may, in the discretion of said commission and corporation, appoint one member of all committees authorized to award prizes for such exhibits as may have been produced in whole or in part by female labor.

SEC. 7. That after the plans for said exposition shall be prepared by said company and approved by said commission the rules and regulations of said corporation governing rates for entrance and admission fees, or otherwise affecting the rights, privileges, or interests of the exhibitors, or of the public, shall be fixed or established by said company, subject, however, to the modification or approval of said commission.

SEC. 8. That said commission shall provide for the dedication of the buildings of the Louisiana Purchase Exposition, in said city of St. Louis, not later than the 30th day of April, 1903, with appropriate ceremonies, and thereafter said exposition shall be opened to visitors at such time as may be designated by said company, subject to the approval of said commission, not later than the 1st day of May, 1903, and shall be closed at such time as the national commission may determine, subject to the approval of said company, but not later than the 1st day of December thereafter.

SEC. 9. That whenever the President of the United States shall be notified by the national commission that provision has been made for grounds and buildings for the uses herein provided for he shall be authorized to make proclamation of the same, through the Department of State, setting forth



the time at which said exposition will be held, and the purpose thereof; and he shall communicate to the diplomatic representatives of foreign nations copies thereof, together with such regulations as may be adopted by the commission, for publication in their respective countries; and he shall, in behalf of the Government and the people, invite foreign nations to take part in the said exposition and to appoint representatives thereto.

SEC. 10. That all articles which shall be imported from foreign countries for the sole purpose of exhibition at said exposition, upon which there shall be a tariff or customs duty, shall be admitted free of payment of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exposition to sell, for delivery at the close thereof, any goods or property imported for and actually on exhibition in the exposition buildings or on the grounds, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles, when sold or withdrawn for consumption in the United States, shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of importation, and all penalties prescribed by law shall be applied and enforced against such articles and against the person who may be guilty of any illegal sale or withdrawal.

SEC. 11. That it shall be the duty of the national commission to make reports monthly to the President of the United States, showing receipts and disbursements and giving a general summary of the financial condition of said exposition, and a final report within six months after the close of the exposition, presenting the results and a full exhibit thereof.

SEC. 12. That the national commission hereby authorized shall cease to exist on the 1st day of January, 1905.

SEC. 13. That the United States shall not in any manner nor under any circumstances be liable for any of the acts, doings, proceedings, or representations of the said Louisiana Purchase Exposition Company, its officers, agents, or employees, or any of them, or for the service, salaries, labor, or wages of said officers, agents, servants, or employees, or any of them, or for any subscriptions to the capital stock, or for any certificates of stock, bonds, mortgages, or obligations of any kind issued by said corporation, or for any debts, liabilities, or expenses of any kind whatever attending such corporation or accruing by reason of the same.

SEC. 14. That there shall be exhibited at said exposition by the Government of the United States from its Executive Departments, the Smithsonian Institution, the National Museum, the United States Commission of Fish and Fisheries, and the Department of Labor such articles and material as illustrate the function and administrative faculty of the Government in time of peace and its resources as a war power, tending to demonstrate the nature of our institutions and their adaptation to the wants of the people; and the Bureau of the American Republics is hereby invited to make an exhibit illustrating the resources and international relations of the American Republics, and space in the United States Government building shall be provided for the purpose of said exhibit; and to secure a complete and harmonious arrangement of such Government exhibit a board, to be known as the United States Government board, shall be created, independent of the commission hereinbefore provided, to be charged with the selection, purchase, preparation, transportation, arrangement, installation, safe-keeping, exhibition, and return of such articles and material as the heads of the several Executive Departments, the Secretary of the Smithsonian Institution, the Commissioner of Fish and Fisheries, the Commissioner of Labor, and the Director of the Bureau of the American Republics may, respectively, decide shall be embraced in said Government exhibit. The President may also designate additional articles for exhibition. Such board shall be composed of one person to be named by the head of each Executive Department, one by the Secretary of the Smithsonian Institution, one by the Commissioner of Fish and Fisheries, one by the Commissioner of Labor, and one by the Director of the Bureau of American Republics.

The President shall name one of said persons so detailed as chairman, and the board itself shall appoint its secretary, disbursing officer, and such other officers as it may deem necessary. The members of said board of management, with other officers and employees of the Government who may be detailed to assist them, including officers of the Army and Navy, shall receive no compensation in addition to their regular salaries, but they shall be allowed their actual and necessary traveling expenses, together with a per diem in lieu of subsistence, to be fixed by the Secretary of the Treasury, while necessarily absent from their homes engaged upon the business of the board. Officers of the Army and Navy shall receive this allowance in lieu of the transportation and mileage now allowed by law. Any provision of law which may prohibit the detail of persons in the employ of the United States to other service than that which they customarily perform shall not apply to persons detailed for duty in connection with the said Louisiana Purchase Exposition. Employees of the board not otherwise employed by the Government shall be entitled to such compensation as the board may determine. The disbursing officer shall give bond in the sum of \$30,000 for the faithful performance of his duties, said bond to be approved by the Secretary of the Treasury. The Secretary of the Treasury shall advance to said officers, from time to time, under such regulations as the Secretary of the Treasury may prescribe, a sum of money from the appropriation hereafter to be made for the Government exhibit, not exceeding at any one time the penalty of his bond, to enable him to pay the expenses of exhibit as authorized by the board of management herein created.

SEC. 15. That the Secretary of the Treasury is hereby authorized and directed to place on exhibition, in connection with the exhibit of his Department, upon such grounds as shall be allotted for the purpose, one of the life-saving stations authorized to be constructed on the coast of the United States by existing law, and to cause the same to be fully equipped with all apparatus, furniture, and appliances now in use in all life-saving stations in the United States.

SEC. 16. That the Secretary of the Treasury shall cause a suitable building or buildings to be erected on the site selected for the Louisiana Purchase Exposition for the Government exhibits, as provided in this act, and he is hereby authorized and directed to contract therefor in the same manner and under the same regulations as for other public buildings of the United States; but the contracts for said building or buildings shall not exceed the sum of \$250,000, which sum, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expense of erecting said Government building or buildings hereby authorized. The Secretary of the Treasury shall cause the said building or buildings to be constructed from plans to be approved by said Government board; and he is authorized and required to dispose of such building or buildings, or the material composing the same, at the close of the exposition, giving preference to the city of St. Louis or to the said Louisiana Purchase Exposition Company to purchase the same at an appraised value, to be ascertained in such manner as he may determine.

SEC. 17. That the commissioners appointed by the President under the authority of this act shall receive as compensation for their services and expenses the sum of \$5,000 each per annum, the same to be paid by the Secretary of the Treasury and deducted from any money appropriated for said exposition.

SEC. 18. That no member of said commission or of said Government board, whether an officer or otherwise, shall be personally liable for any debt or obligation which may be created or incurred by the said commission or by the said United States Government board herein authorized.

SEC. 19. That whereas the Secretary of the Treasury has certified, under date of February 6, 1901, that the Louisiana Purchase Exposition Company has presented to him proof to his satisfaction that it has raised \$10,000,000 for and on account of inaugurating and carrying forward an exposition at the city of St. Louis, Mo., in the year 1903, to celebrate the one hundredth anniversary of the purchase of the Louisiana territory; therefore there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000,000, to aid in carrying forward said exposition, to pay the salaries of the members and secretary of the national commission herein authorized, and such other necessary expenses as may be incurred by said commission in the discharge of its duties in connection with said exposition, and to discharge all other obligations incurred by the Government on account of said exposition, except for the erection of its own buildings and the making and care of its own exhibits at said exposition. That the money hereby appropriated shall be disbursed under the direction of the said Louisiana Purchase Exposition Company under rules and regulations to be prescribed by the Secretary of the Treasury and upon vouchers to be approved by him: *Provided*, That, except for the payment of the salaries and expenses of the national commission, no part of said appropriation shall become available until the sum of \$10,000,000 shall have been expended by said company on account of said exposition to the satisfaction of the Secretary of the Treasury: *Provided further*, That all sums expended by the Government on account of said exposition, including the salaries and expenses of said national commission, except for the erection of its own buildings and the making and care of its own exhibits at said exposition, shall be limited to and paid out of the appropriation of \$5,000,000 herein provided for such purpose.

SEC. 20. That there shall be repaid into the Treasury of the United States the same proportionate amount of the aid given by the United States as shall be repaid to either the Louisiana Purchase Exposition Company or the city of St. Louis: *Provided*, That this section shall not be taken or construed to give the United States a right to share in the proceeds of said exposition beyond the actual amount appropriated to aid in carrying forward said exposition.

SEC. 21. That any bank or trust company located in the city of St. Louis or State of Missouri may be designated by the Louisiana Purchase Exposition Company to conduct a banking office upon the exposition grounds, and if the bank so designated shall be a national bank, upon such designation being approved by the Comptroller of the Currency, said national bank is hereby authorized to open and conduct such office as a branch of the bank, subject to the same restrictions and having the same rights as the bank to which it belongs: *Provided*, That the branch office authorized hereby, if the same shall be a branch of a national bank, shall not be operated for a period longer than two years, beginning not earlier than July 1, 1902, and closing not later than July 1, 1904.

SEC. 22. That no citizen of any foreign country shall be held liable for the infringement of any patent granted by the United States, or of any trademark or label registered in the United States, where the act complained of is or shall be performed in connection with the exhibition of any article or thing at the Louisiana Purchase Exposition.

SEC. 23. That the Secretary of War be, and he hereby is, authorized, at his discretion, to detail for special duty in connection with the Louisiana Purchase Exposition such officers of the Army as may be required, to report to the general commanding the Department of Missouri; and the officers thus detailed shall not be subject to loss of pay or rank on account of such detail, nor shall any officer or employee of the United States receive additional pay or compensation because of services connected with the said exposition from the United States or from said exposition.

SEC. 24. That nothing in this act shall be so construed as to create any liability of the United States, direct or indirect, for any debt or obligation incurred, nor for any claim for aid or pecuniary assistance from Congress or the Treasury of the United States in support or liquidation of any debts or obligations created by said commission.

Mr. LATIMER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LATIMER. I desire to know if it will be in order to offer an amendment to this bill?

The SPEAKER. No amendment can be offered under suspension of the rules.

Mr. LATIMER. I desire to ask unanimous consent of the House to offer an amendment carrying an appropriation for the Charleston Exposition.

Mr. TAWNEY. I object to that.

Mr. HOPKINS. I think one proposition at a time is sufficient.

[Mr. TAWNEY addressed the House. See Appendix.]

The SPEAKER. The gentleman from Minnesota [Mr. TAWNEY] has five minutes remaining.

Mr. MADDOX. Mr. Speaker, from what I have read in the newspapers I suppose that anything I may say in regard to this matter will have no effect.

Mr. TAWNEY. It ought not to have, in view of the contract we have entered into.

Mr. MADDOX. That is exactly what I want to talk about—matters of contract that we have entered into. I want to ascertain whether some other contracts than that here in question are binding or not. In opening, I will say that I believe there is as much to commend this appropriation for the St. Louis Exposition as there has been to commend any other ever made for a similar purpose, so far as that is concerned.

But I have within the last few days noticed in this House the "watchdog of the Treasury," the chairman of the Committee on Appropriations [Mr. CANNON], absolutely fighting to the last ditch every claim that has come before this body for its consideration, no matter how just or meritorious. We have found him fighting on this floor against these claims, even demanding a quorum and going to the extent of filibustering to defeat the payment of an honest claim against the Government.



Only a few days ago the gentleman from Ohio [Mr. GROSVENOR] told this body that this Government owes \$50,000,000 of just debts—debts as just as those that any man ever owed—and yet they can not be considered in this House.

Now, what have we before us? The gentleman from Minnesota [Mr. TAWNEY] tells us that we have entered into an obligation to pay this sum of money. Is it not a fact that we have entered into obligations to pay thousands of claims that are still pending before this body, and have been pending here for years, yet they can not be considered? When a claim is presented here from the Claims Committee or the War Claims Committee it is absolutely looked upon as a "steal." The very minute such a claim makes its appearance in this House, even though the amount be only \$50, or \$75, or \$100, or, as in the case the other day, \$800, the chairman of the Appropriations Committee fights it to the very last ditch, as I have said, and often succeeds in preventing the consideration of claims of that kind coming from those committees. And yet they can come here and with serious faces ask an appropriation under a suspension of the rules to expend \$5,000,000 of the people's money for a purpose such as that which is now before us.

Why, Mr. Speaker, I am told—I do not know whether it is true or not; the gentleman the chairman of the Committee on Public Buildings and Grounds, of course, can answer for himself—I am told that we are not to have a single bill for the erection of a public building in the United States by the present session of Congress, on account of the enormous expenditures of the Government. It is said that we can not afford it. And yet, what is before us now? Here is an appropriation for \$5,000,000. This would build 100 public buildings costing \$50,000 apiece in the United States. And this, if the work was done, would be a perpetual advantage to the Government. And yet, instead of doing that, instead of putting this money into something that would be of permanent advantage to our people, we are asked to appropriate here \$5,000,000 to carry on an enterprise private, practically, in its character and of no great profit or interest to the Government.

I would like very much to know what my friend from Illinois, the distinguished chairman of the Committee on Appropriations, is going to say about that. Why, down in my district, where the Army was encamped two years ago, around Chickamanga, for 5 or 6 miles around in all directions, the crops, and the fruit especially—because that is a fruit-growing district—were practically destroyed by the Army. And yet, notwithstanding the fact of this destruction, and notwithstanding these claims—many of them have been favorably recommended by the committee—we have not been able to get a single, solitary dollar to repay them for their losses. But in the face of that we find here a bill lobbied through this House and pressure brought to bear upon the members of the House to appropriate \$5,000,000 for a private enterprise in St. Louis, while the people in my section who have lost their property can not get a dollar. You will find people who have labored there patiently years and years still waiting patiently for Congress to grant them relief, and yet we find the doors closed against them up here. We find the distinguished chairman of the Committee on Appropriations demanding a quorum to defeat the payment of a trifling bill that has been allowed by the committee.

Now, what is the gentleman going to do about this? What is he going to say? I would like very much to know. It is a matter of concern to me and to all of us. These matters must be considered in some way. We can not expend five millions of the people's money without giving them some explanation of it, when we refuse to pay our just debts of \$50, \$100, or \$500. If we can not expend a few hundreds of dollars in paying the public debts, justly owed to these people; if we can not put up a public building here and there, which will be of lasting benefit to the Government, I would like to know on what principle gentlemen who favor this appropriation can consistently and conscientiously vote \$5,000,000 of the people's money away in a matter which is practically local in importance. If the gentleman will read the report of the gentleman from Minnesota, accompanying the pending bill, he will see the enormous appropriations which have been made heretofore in the Mississippi Valley. Ten or twelve million dollars, I think, in all have been appropriated for various expositions in that valley.

Mr. TAWNEY. Will the gentleman allow a correction?

Mr. MADDOX. Certainly.

Mr. TAWNEY. I think the gentleman's statement is hardly a fair one. I think he will find that the only appropriations made heretofore in this regard have been in reference to the Government buildings provided by the Government.

Mr. MADDOX. And what does that amount to?

Mr. TAWNEY. Of course that is within the province of Congress. Whatever they choose to appropriate is the amount.

Mr. MADDOX. Now, let us look at this matter a little further. Here is a gentleman on my left who wanted to make a suggestion, which could not be accepted, as I understand it, under the rules of the House, on the motion made by the gentleman to include an appropriation for the city of Charleston, S. C., for an exposition

of like character. I am told that other expositions are also coming forward, and that there is a million of dollars pending for one at Buffalo, in New York.

Mr. TAWNEY. Has the bill for South Carolina, to which the gentleman refers, been considered by the committee?

Mr. MADDOX. I do not know. I only know that the gentleman asked for its consideration in connection with the pending bill.

Mr. TAWNEY. Well, it has not been considered, as I understand it.

Mr. MOODY of Massachusetts. I think the gentleman is mistaken. It has been considered, but not yet reported to the House. And I would like to ask the gentleman from Georgia, while I am on my feet, as I am inclined to oppose the proposition, if he has an opportunity, to give me a little time. I want to express my views in reference to the bill in a general way, being opposed to it as I am.

Mr. MADDOX. I regret that I have given away almost all of the time at my disposal.

Mr. MOODY of Massachusetts. Because I should oppose the bill on the floor, if I had a chance.

Mr. MADDOX. I regret that I can not give the gentleman time. I am opposed, of course, to the bill myself, and I should be glad to hear opposition from him or any other gentleman on that side of the House. It is unfortunate that the right of way is given to matters of this kind instead of to those things which ought to receive popular approval in both Houses of Congress. We have refused here to pay a large number of claims of the people for property taken by the Government and used in its interest. Over and over again their just and honest demands have been refused on the floor of this House, and yet now we are asked to give \$5,000,000 practically away to a private enterprise.

Now, Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Speaker, I know it is useless to get up here and talk about attempting to save the Treasury from this raid, when it is predetermined; but, as a Democrat, I can not consistently criticize Republicans for their excessive appropriations and turn around and help pile them up, and for a purpose that has no connection with the Government. No honest obligation rests upon this House to appropriate \$5,000,000 to help hold an exposition in any State. None whatever. I must emphasize what the distinguished gentleman from Georgia has said about the distinguished gentleman from Illinois, the chairman of the Committee on Appropriations [Mr. CANNON].

I have followed that gentleman in many fights against what I thought were improper and extravagant appropriations, and I charge here and now that with his power, if he had attempted to defeat this bill on a two-thirds vote under a suspension of the rules, he could do it. He remained here last Friday and took up the time of the House to delay the passage of a bill so as to keep from paying an Indian depredation claim for 20 cows, on the ground, as he stated, of being a bad precedent, and I agreed with him; and so far as my investigation has gone, we are not in honor bound to make this appropriation. And what is the matter with the gentleman from Illinois? Why are not you fighting this bad precedent in giving \$5,000,000 for the holding of the exposition at St. Louis?

Could not New York raise twenty millions easier than St. Louis can ten? And should she do so, we would have to make an appropriation of ten millions for an exposition there for some worthy and laudable purpose. It appears that we would have to appropriate ten millions for that under this plan of giving 50 per cent of the local amount raised. Here is a precedent. He fought to keep from referring to the Court of Claims a claim for 20 cows claimed to have been killed on the plains somewhere by Indians. I suppose they were worth two dollars and a half each, but as they were to be paid for by the Government the cows might have been blooded stock and worth \$50 apiece. I regret to see the gentleman, whom I have so often followed, fail to get up here and make a fight when there is something to fight that has substance in it, like this.

Some of my friends on this side of the House, better members than I am, have begged me not to ask for the yeas and nays on this question. Why do you not want to put yourselves on record if you at heart indorse the measure? I say I can not sit here and consistently criticize Republicans for large expenditures while I help make them. This appropriation is given to a city I have more pride in than any city in the United States out of my own State. My entire section of the country trades with that city. Our timber, our hogs, cattle, and peanuts are carried to St. Louis, and our merchants buy a great many of their goods there. But this is wrong in principle and never can be right because of locality. Now, Mr. Speaker, I hope the Democrats will not help load this Administration with this additional \$5,000,000. I appeal to each and every one of them not to do so. Our constituents will not excuse us sitting here and saying, "Oh, let us spend it while



the Republicans have the responsibility." Let us vote as though we were in power and had to meet the responsibility and vote "no." I expect to do it. I yield back whatever time I have remaining to the gentleman from Georgia.

Mr. MADDOX. Mr. Speaker, how much more time have I left?

The SPEAKER. The gentleman has ten minutes remaining.

Mr. MADDOX. I yield five minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. Mr. Speaker, if I can have the attention of the House, I shall not weary it long, but merely want time within which to read the minority report, which was drawn up by the gentleman from Virginia [Mr. OTEY] and myself against this bill.

The SPEAKER. The Chair will correct the report. The gentleman has five minutes remaining.

Mr. WILLIAMS of Mississippi. I shall substitute, then, the minority report for any remarks I would make upon this question:

The undersigned members of the Special Committee on the Centennial of the Louisiana Purchase, to whom was referred House bill 9829, beg leave to submit the following report and recommend that said bill do not pass:

The undersigned members of the Special Committee on the Centennial of the Louisiana Purchase can not agree with the report of the committee, nor can they vote for the bill reported. If precedents could justify an appropriation by Congress for the purpose sought to be accomplished by this bill, then precedents ample and numerous can be found. Like legislation, almost identical legislation, was enacted and money appropriated for expositions at Philadelphia, at New Orleans, at Atlanta, at Chicago, at Buffalo.

We do not think, however, that precedents can give to Congress or to the Federal Government powers not already delegated to them. All that a questionable precedent can do is to "return to plague its inventors."

The event to be celebrated by the St. Louis Exposition, in importance to the Government and to the people of the United States, ranks superior to any event celebrated by any of the expositions appropriated for by Congress except the event celebrated at the Philadelphia Centennial. All the others sink by comparison into insignificance.

At Philadelphia was celebrated the centennial anniversary of the annunciation day of the Republic; at St. Louis will be celebrated the event which gave the Republic a respectable and safe standing among the nations of the earth, by removing possible enemies and constant menace from the continent and by securing in perpetuity the control of the Mississippi, the great central artery of our body politic and our body commercial. If, therefore, the magnitude of an event, the permanency and beneficence of its effects, and the nationality of its character would justify an appropriation for its centennial celebration, this legislation would stand more than justified.

Notwithstanding all this, however, we believe it was not fundamentally right nor was it expedient for the United States Government to go into the exposition business. We believe that being in it, it ought to go out of it.

If the fact that a pledge by Congress to go on with a work could obviate the fundamental objection of lack of authority, then it must be confessed that such a pledge was solemnly given with regard to this project in a provision of the last sundry civil act.

But we see no greater force in a pledge ultra vires than in a proposition for original legislation of the same character. If, in short, Congress was ever justified or could be justified in legislation of this character, then it would be in this instance.

The end and purpose of the legislation being once granted to be within our power, and expediently to be exercised by us, it must be admitted that there can be no quarrel with the means adopted—the provisions of this special bill. The Government's interests are carefully guarded, and experience with other exposition ventures has been a useful guide to the committee.

JOHN S. WILLIAMS.  
PETER J. OTEY.

That embraces, Mr. Chairman, the opinions entertained by the gentleman from Virginia and myself.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. WILLIAMS of Mississippi. I merely read it so it may go in the RECORD.

Mr. TAWNEY. I would like to ask my colleague on the committee, if the appropriation is to be made, after the investigation he has made, and assisted in the preparation of the bill, if the bill does not protect the rights of the Government?

Mr. WILLIAMS of Mississippi. That was so expressed in the last clause of the minority report. My objection is to making appropriations for expositions at all. I do not think the Government ought to have gone into this business, and being in it we ought to get out of it.

Mr. MADDOX. Mr. Speaker, have I any time remaining?

The SPEAKER. The gentleman has one minute remaining.

Mr. MADDOX. I yield that to the gentleman from Louisiana.

Mr. MEYER of Louisiana. Mr. Speaker, I rise for the purpose of asking consent of the House to incorporate in these proceedings a memorial and concurrent resolution on the part of the legislature of the State of Louisiana.

Under the rules of this House I am precluded from offering an amendment to the pending bill, but at the first opportunity I shall urge suitable action on the part of the United States Congress in the direction proposed.

The memorial referred to is as follows:

[Senate concurrent resolution No. 8. By Mr. Thorpe. Act No. 14.]

Whereas within the next four years, within the term of the present legislature and officers of the State government—that is, on the 23d day of December, 1903, will occur the centennial of the actual transfer of the territory of Louisiana to the United States; and

Whereas the cession and transfer was one of the most important events in the history of the United States and of this State, affecting the national domain by adding thereto territory three and one-half times as large as the original thirteen colonies, enlarging it from an area of 827,000 square miles to an area of 3,600,000 square miles, enlarging the Government from a mere fringe of territory on the shores of the Atlantic Ocean to an area bounded on the

north by Great Britain, on the west and south by Spain, and on the east by the Atlantic, thus enabling the United States to take abroad a proud position among the sovereign nations of the earth, to assume possession of the Mississippi River, and insure unimpeded and uncontrolled passage of commerce through the great waterways of the country to the Gulf of Mexico, to assert and maintain on this continent the principles of republican government; and

Whereas the consummation of this important national political event, the official act of transfer, took place in the State of Louisiana, in the city of New Orleans, in the "Cabildo" of the Spanish domination, in the building now occupied by the supreme court of Louisiana; and the transfer announced to the people of Louisiana assembled in the "Place d'Arms," now Jackson Square, in the city of New Orleans, where the flag of the United States was for the first time officially raised over this territory, and the flags of France and Spain lowered forever; and

Whereas the liberties and principles of free government by the people of Louisiana were secured in the act of cession and transfer and reception into the United States, with the rights and privileges of a sovereign State in an aggregated free Republic; Therefore, be it

Resolved by the senate (the house of representatives concurring), That the State of Louisiana do recognize the great and solemn importance of this event in the history of the United States and in that of this State, and will, in commemoration of it, celebrate the 23d day of December, 1903, the centennial anniversary of the official transfer; be it further

Resolved, That the Louisiana Historical Society be authorized to adopt a programme of ceremonies fitting the dignity of the State and the importance of the event, to be submitted to the governor and the legislature at its next session, for the appropriate celebration of the day. That our Senators and Representatives in Congress be requested to secure the cooperation of the Federal Government therein, in order that national participation in and commemoration of one of the greatest achievements of the Government in our national history be secured, and due celebration be thereby made which shall be worthy of the occasion.

J. Y. SANDERS,

Speaker of the House of Representatives.

ALBERT ESTOPINAL,

Lieutenant-Governor and President of the Senate.

W. W. HEARD,

Governor of the State of Louisiana.

Approved June 27, 1900.

STATE OF LOUISIANA,  
Office of Secretary of State.

A true copy.

Witness my hand and seal of office, at the State capitol in the city of Baton Rouge, this 23d day of July, A. D. 1900.

[SEAL.]

EUGENE J. McHIENEY,  
Assistant Secretary of State.

The SPEAKER. The gentleman from Minnesota.

Mr. TAWNEY. I yield three minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I think I have been, first and last, on all sides on expositions. I voted for the exposition at Philadelphia and at Chicago, and I voted for Atlanta, and I believe at Nashville and New Orleans. I am not sure about Nashville. I voted against this legislation extending aid to St. Louis. It was offered on the other side, by the distinguished Senator from Missouri [Mr. COKKRELL]. It went upon the sundry civil appropriation bill, and the House concurred. My vote is recorded against it, and I was against it with what little power I had, both by vote and speech. But it became the law; the obligation was incurred. The conditions have been complied with, and under those circumstances I stand ready now to vote for carrying out the pledge.

I believe that is almost all I desire to say about it. I quite agree with the gentleman that the exposition matter has run wild. I expect, perhaps, before this Congress closes there will be other pebbles on the beach; and if they abound in legislation my voice shall be against them and I shall be glad to cooperate with gentlemen on that side.

Now, as to the scolding, if I may be respectful, that I have received because I have not been in favor of claims, and this, that, and the other, I wish to say that they are not on all fours with this. They are not legal obligations, and the time ought to have been devoted to great public questions touching great appropriations that must be made if the Government proceeds. I have no apologies to make for my action as one member of the House upon Friday last; and under the same conditions in the future, if by voice and vote I can do so, I will repeat it.

[Mr. TAWNEY addressed the House. See Appendix.]

The SPEAKER. The time of the gentleman from Minnesota has expired. Debate is exhausted, and the question is on suspending the rules and passing the bill as amended.

Mr. TAWNEY. And on that, Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 190, nays 42, answered "present" 14, not voting 107; as follows:

YEAS—190.

Aldrich,	Bowersock,	Cannon,	Cowherd,
Alexander,	Breazeale,	Capron,	Cromer,
Allen, Me.	Brick,	Carmack,	Crowley,
Allen, Miss.	Brosius,	Clark,	Crumpacker,
Railey, Kans.	Brown,	Clayton, N. Y.	Cummings,
Bankhead,	Brownlow,	Cochran, Mo.	Curtis,
Bartholdt,	Brundidge,	Cochrane, N. Y.	Cushman,
Bell,	Bull,	Connell,	Dalzell,
Bellamy,	Burke, S. Dak.	Conner,	Davenport, S. W.
Benton,	Butler,	Cooney,	Davidson,
Berry,	Calderhead,	Corniss,	Davis,
Boutell, Ill.	Caldwell,	Cousins,	De Armond,



Denny, Dinsmore, Dougherty, Dovener, Eddy, Elliott, Emerson, Esch, Finley, Fletcher, Fordney, Fox, Gamble, Gardner, Mich. Gardner, N. J. Gibson, Gillet, N. Y. Glynn, Gordon, Graft, Graham, Griffith, Griggs, Hall, Hamilton, Hawley, Hay, Heatwole, Hedge, Hemenway, Henry, Miss. Hepburn, Hitt, Hoffecker, Hopkins, Howard,	Howell, Hull, Jack, Jones, Wash. Joy, Kahn, Kerr, Md. Kerr, Ohio Knox, Lacey, Landis, Lane, Latimer, Lentz, Lester, Little, Littlefield, Livingston, Lloyd, Long, Loudenslager, Lovering, Lybrand, McCulloch, McLain, Mann, Marsh, May, Meekison, Mercer, Metcalf, Meyer, La. Minor, Mondell, Moody, Oreg. Morgan,	Morrell, Morris, Newlands, Norton, Ohio Norton, S. C. O'Grady, Otjen, Overstreet, Payne, Pearce, Mo. Pearson, Pearre, Phillips, Powers, Prince, Pugh, Ray, N. Y. Reeves, Richardson, Ala. Ridgely, Rixey, Robb, Robertson, La. Rodenberg, Rucker, Ruppert, Ryan, N. Y. Ryan, Pa. Salmon, Scudder, Shackleford, Shafroth, Shelden, Sherman, Showalter, Sibley,	Slayden, Smith, Iowa, Smith, H. C. Smith, Samuel W. Smith, Wm. Alden Southard, Spalding, Sparkman, Steele, Stevens, Minn. Stewart, N. Y. Stewart, Wis. Stokes, Sulloway, Sulzer, Swanson, Tawney, Taylor, Ohio Taylor, Ala. Terry, Thomas, Iowa Thropp, Vandiver, Van Voorhis, Vreeland, Wadsworth, Watson, Weaver, White, Williams, J. R. Williams, W. E. Wilson, Idaho Wright, Young.
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## NAYS—42.

Allen, Ky. Atwater, Burke, Tex. Burkett, Burleson, Burton, Driscoll, Fitzgerald, N. Y. Gaines, Gillett, Mass. Grout,	Henry, Conn. Hill, Johnston, King, Kitchin, Kleberg, Lanham, Lawrence, Linney, Loud, McDowell,	Maddox, Moody, Mass. Moon, Needham, Parker, N. J. Pierce, Tenn. Quarles, Rhea, Ky. Richardson, Tenn. Riordan, Robinson, Ind.	Sheppard, Sims, Smith, Ky. Snodgrass, Stephens, Tex. Talbert, Tate, Williams, Miss. Zenor.
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## ANSWERED "PRESENT"—14.

Adamson, Bishop, Clayton, Ala. Cox,	Gilbert, Green, Pa. Grosvenor, Haugen,	McCall, Miers, Ind. Olmsted, Russell,	Weymouth, Wheeler.
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## NOT VOTING—107.

Acheson, Adams, Babcock, Bailey, Tex. Baker, Ball, Barber, Barham, Barney, Bartlett, Bingham, Boring, Boutelle, Me. Bradley, Brantley, Brenner, Brewer, Bromwell, Broussard, Burleigh, Burnett, Campbell, Catchings, Chanler, Cooper, Tex. Cooper, Wis. Crump,	Cusack, Dahle, Davenport, S. A. Davey, Dayton, De Graffenreid, Dick, Driggs, Faris, Fitzgerald, Mass. Fitzpatrick, Fleming, Foss, Foster, Fowler, Freer, Gaston, Gayle, Gill, Greene, Mass. Grow, Henry, Tex. Jenkins, Jett, Jones, Va. Ketcham, Kluttz,	Lamb, Lassiter, Levy, Lewis, Littauer, Lorimer, McAleer, McCleary, McClellan, McDermott, McRae, Mahon, Mesick, Miller, Mudd, Muller, Naphen, Neville, Noonan, Otey, Packer, Pa. Polk, Ransdell, Reeder, Rhea, Va. Roberts, Robinson, Nebr.	Shattuc, Small, Smith, Ill. Sperry, Spight, Sprague, Stallings, Stark, Stewart, N. J. Sutherland, Thayer, Thomas, N. C. Tompkins, Tongue, Turner, Underhill, Underwood, Wachter, Wanger, Warner, Waters, Weeks, Wilson, N. Y. Wilson, S. C. Woods, Ziegler.
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The following pairs were announced:

Until further notice:

Mr. KETCHAM with Mr. MULLER.  
Mr. SHATTUC with Mr. BURNETT.  
Mr. RUSSELL with Mr. MCCLELLAN.  
Mr. PACKER of Pennsylvania with Mr. POLK.  
Mr. BABCOCK with Mr. NAPHEN.  
Mr. ROBERTS with Mr. ROBINSON of Nebraska.  
Mr. BARNEY with Mr. DE GRAFFENREID.  
Mr. MESICK with Mr. NEVILLE.  
Mr. BOUTELLE of Maine with Mr. BRADLEY.  
Mr. FOWLER with Mr. BARTLETT.  
Mr. WACHTER with Mr. SMALL.  
Mr. GROSVENOR with Mr. BAILEY of Texas.  
Mr. BOREING with Mr. GILBERT.  
Mr. MAHON with Mr. OTEY.  
Mr. WATERS with Mr. THOMAS of North Carolina.  
Mr. TOMPKINS with Mr. WILSON of South Carolina.  
Mr. MCCALL with Mr. FITZGERALD of Massachusetts.  
Mr. ADAMS with Mr. MCALDER.  
Mr. WEEKS with Mr. CHANLER.

For this day:

Mr. CRUMP with Mr. CATCHINGS.  
Mr. MILLER with Mr. DRIGGS.  
Mr. ACHESON with Mr. MIERS of Indiana.  
Mr. STEWART of New Jersey with Mr. STARK.  
Mr. WEYMOUTH with Mr. BRENNER.  
Mr. WANGER with Mr. ZIEGLER.  
Mr. TONGUE with Mr. WILSON of New York.  
Mr. MUDD with Mr. LAMB.  
Mr. BAKER with Mr. BREWER.  
Mr. BROMWELL with Mr. FOSTER.  
Mr. GROW with Mr. GASTON.  
Mr. LITTAUER with Mr. HENRY of Texas.  
Mr. DAHLE with Mr. LASSITER.  
Mr. FARIS with Mr. JONES.  
Mr. FOSS with Mr. McDERMOTT.  
Mr. GILL with Mr. RANDELL.  
Mr. REEDER with Mr. THAYER.  
Mr. LORIMER with Mr. CUSACK.  
Mr. BINGHAM with Mr. BROUSSARD.

On this vote:

Mr. DAYTON with Mr. DAVEY.  
Mr. WARNER with Mr. SUTHERLAND.  
Mr. BARHAM with Mr. BRANTLEY.  
Mr. HAUGEN with Mr. JETT.  
Mr. BURLEIGH with Mr. KLUTTZ.  
Mr. DICK with Mr. UNDERWOOD.  
Mr. COOPER of Wisconsin with Mr. CHANLER.  
Mr. McCLEARY with Mr. SPIGHT.  
Mr. SPERRY with Mr. LEVY.  
Mr. SPRAGUE with Mr. STALLINGS.  
Mr. GREENE of Massachusetts with Mr. COOPER of Texas.  
Mr. WOOD with Mr. BALL.  
Mr. JENKINS with Mr. McRAE.  
Mr. SMITH of Illinois with Mr. GREEN of Pennsylvania.  
Mr. RHEA of Virginia with Mr. ADAMSON.  
Mr. FREER with Mr. CLAYTON of Alabama.  
Mr. WEYMOUTH. Mr. Speaker, I voted "no" on this question without recalling the fact that I was paired. I desire to withdraw my vote and be recorded "present."

Mr. SMITH of Illinois. Mr. Speaker, I voted when my name was called, but in listening to the reading of the pairs I observe that I am paired with some gentleman from Massachusetts. If that gentleman did not vote, I desire to withdraw my vote.

The SPEAKER. The gentleman from Illinois is paired with the gentleman from Massachusetts [Mr. FITZGERALD], who did not vote.

Mr. SMITH of Illinois. Then I desire to withdraw my vote and be recorded as "present."

The result of the vote was announced as above stated.

## DEFINITION OF CONSPIRACY IN LABOR DISPUTES.

Mr. LITTLEFIELD. I move a suspension of the rules in order to put on its passage, with the amendments reported by the Judiciary Committee, the bill (H. R. 1917) to limit the meaning of the word "conspiracy," and also the use of "restraining orders and injunctions" as applied to disputes between employers and employees in the District of Columbia and Territories, or engaged in commerce between the several States, District of Columbia, and Territories, and with foreign nations.

Mr. FLEMING. I ask unanimous consent that the House permit a separate vote upon the two amendments reported by the majority of the Judiciary Committee. As I understand, under the motion to suspend the rules we are allowed to vote only on the bill as amended by the committee. The two amendments reported by the majority of the committee were not assented to by the minority, and we ask simply a separate vote on those amendments.

The SPEAKER. The gentleman from Georgia [Mr. FLEMING] asks unanimous consent for a separate vote on the two amendments reported by the Judiciary Committee.

Mr. LITTLEFIELD. I have no discretion in the matter. I must follow the instructions of the committee and insist upon the motion to suspend the rules as I have made it. I have no authority to consent to the request of the gentleman from Georgia.

Mr. TERRY. Does the gentleman from Maine object?

The SPEAKER. Is a second demanded on the motion to suspend the rules?

Mr. FLEMING. Do I understand that the gentleman from Maine himself has objected?

Mr. LITTLEFIELD. "The gentleman from Maine" stated exactly the position he has taken.

The SPEAKER. Is a second demanded?

Mr. LITTLEFIELD. I ask unanimous consent that a second be considered as ordered.

There was no objection.

The SPEAKER. On this motion forty minutes are allowed for



debate—twenty minutes to be controlled by the gentleman from Maine [Mr. LITTLEFIELD] and twenty by the gentleman from Georgia [Mr. FLEMING].

Mr. FLEMING. I desire to ask unanimous consent—

The SPEAKER. The Clerk will first report the bill.

The bill as reported, with amendments by the Committee on the Judiciary, was read, as follows:

*Be it enacted, etc.*, That no agreement, combination, or contract by or between two or more persons to do, or to procure to be done, or not to do, or procure not to be done, any act in contemplation or furtherance of any trade dispute between employers and employees in the District of Columbia or in any Territory of the United States, or whom may be engaged in trade or commerce between any Territory and another, or between any Territory or Territories and any State or States, or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States, or foreign nations, shall be deemed criminal, nor shall those engaged therein be indictable or otherwise punishable for the crime of conspiracy, if such act committed by one person would not be punishable as a crime, nor shall any restraining order or injunction be issued with relation thereto: *Provided*, That the provisions of this act shall not apply to threats to injure the person or the property, business, or occupation of any person, firm, association, or corporation, or to any acts causing or intended to cause an illegal interference, by overt acts, with the rights of others. Nothing in this act shall exempt from punishment, otherwise than as herein excepted, any persons guilty of conspiracy, for which punishment is now provided by any act of Congress, but such act of Congress shall, as to the agreements, combinations, and contracts hereinbefore referred to, be construed as if this act were therein contained.

Mr. FLEMING. I ask unanimous consent that the time for discussion on this question be extended so as to allow half an hour on each side.

The SPEAKER. Is there objection?

Mr. LITTLEFIELD. So far as I am concerned, I do not know that I have any objection.

The SPEAKER. In the absence of objection, the extension of time as requested will be allowed.

Mr. LITTLEFIELD. Mr. Speaker, this bill has been fully considered by the committee, and as reported to the House meets the desires of the petitioners so far as the committee have deemed it prudent to go in the line of legislation. The views of the committee are very clearly and distinctly stated in the report accompanying the bill, which explains the purpose of the two amendments reported by the committee and their effect on the bill.

I have no special personal desire to urge the measure upon the consideration of the House. I do so after a conference with those interested in the measure. Upon the clear statement of the report as to the character of the bill and the effect of the amendment we are perfectly willing to submit the proposition to the good sense and judgment of the House. I ask the Clerk to read, in my time, the report.

The report was read, as follows:

The Committee on the Judiciary, to whom was referred House bill 8917, report it back with a recommendation that the bill pass with two amendments.

It is a bill to define the meaning of the word "conspiracy" and to regulate the use of restraining orders and injunctions. After specifying what shall not be held to be a conspiracy, this independent proposition appears in lines 5 and 6 on page 2 of the bill:

"Nor shall such agreement, combination, or contract be considered as in restraint of trade or commerce."

The first amendment of the committee strikes out the language above quoted. The only statute of the United States that prohibits contracts and agreements in restraint of trade and commerce is the Sherman anti-trust act, approved July 2, 1890.

That statute makes such contracts and agreements criminal and imposes upon the parties making them penalties of fine and imprisonment. It makes no discrimination between classes or individuals. In its application it is not a respecter of persons. It does not select, as it ought not, persons engaged in any particular business or occupation, as distinguished from other kinds of business or occupation, as subject to its penalties. It operates equally and alike upon all. If the results legislated against are properly the subject of criminal legislation, all agencies through which such criminal results are produced must be equally within the penal provisions of the act, as otherwise the restraint of trade and commerce could not be effectually prevented. If the result is injurious, all acts producing the result should be under the ban of the statute.

It is certainly conceivable that acts may be done in "contemplation or furtherance of any trade dispute between employer and employees" that would not be "in restraint of trade or commerce," and it is undoubtedly true that acts might be specially directed to or necessarily involve the "restraint of trade or commerce" for the purpose of furthering such dispute. It can hardly be insisted that a set of acts done to accomplish a particular purpose, and which as a part thereof necessarily restrain trade or commerce, should be held innocent and harmless when intended to produce results denounced as criminal, while other acts of the same general character, not involving this particular purpose, but producing the same result, should be held criminal.

No reason is perceived why the law should discriminate as to the purpose for which trade or commerce should be restrained. We do not think it proper to discriminate between the classes of persons, or the acts in which they may be engaged, when such acts equally tend to and bring about the same criminal result. It is not within the proper province of the lawmaking power to make fish of one and fowl of another. A State with its recognized powers of sovereignty is impotent to obstruct interstate commerce, but this bill without amendment would in effect authorize persons engaged in the furtherance of a trade dispute, employers and employees, to make contracts and agreements, do acts that would obstruct interstate commerce, and thus exercise powers not possessed by a sovereign State.

We can not feel that the proponents of the bill would desire this result. With the language struck out, as proposed by the amendment, it will be seen that the language of the bill is sweeping and far-reaching, and it would be difficult to say just how far the court would go in holding under it that parties to combinations between employers or employees for the furtherance

of a trade dispute would be excepted from the operation of the Sherman anti-trust act. It is quite possible that its operation will prove to be more extensive than is contemplated by conservative judgment. When the friends of the bill have the full benefit of such extremely general language, with its inherent possibilities of judicial construction, it would appear to be as far as they ought to ask the legislative power to go.

The second amendment which is recommended is the addition of the following proviso after the word "thereto," at the end of the seventh line in the second page, viz:

"*Provided*, That the provisions of this act shall not apply to threats to injure the person or the property, business, or occupation of any person, firm, association, or corporation, to intimidation, or coercion, or to any acts causing or intended to cause an illegal interference, by overt acts, with the rights of others."

The bill provides that "any act in contemplation or furtherance of any trade dispute between employers and employees" shall not "be deemed criminal, nor shall those engaged therein be indictable or otherwise punishable for the crime of conspiracy, if such act committed by one person would not be punishable as a crime, nor shall any restraining order or injunction be issued with relation thereto."

This bill, as it reads, without amendment, would authorize a large number of persons engaged in the "furtherance of a trade dispute" to orally threaten personal violence and injury to persons, property, business, and occupations—to intimidate and coerce by oral threats—as such an act, when committed by one person, is not punishable as a crime. The only remedy for a threat to do personal injury in nearly every State jurisdiction is a proceeding to place the party making the threat under bonds to keep the peace, and thus prevent the commission of an act that would "be punishable as a crime." If such threat is ever punishable as a crime, it is an exception to which our attention has not been called, and certainly is not the rule. This being the case, the bill would certainly authorize a combination of any size to orally threaten injury—to intimidate and coerce by oral threats—acts which we assume no one would desire to have permitted, much less authorized, by the provision of any public statute. We have been advised by some of those urging its passage that such a result was neither desirable or desired.

The bill was evidently drawn under the misapprehension that oral threats to injure as aforesaid were "punishable as a crime." The object sought to be obtained by this act, as we understand it, is to prohibit the punishment of combinations, organized to do or doing acts that would be lawful and proper if done by an individual, and to prohibit the use of injunctions to restrain the doing of such acts by any combination, acts which are not intended to and do not injure persons or property. We do not understand that anyone seriously contends that authority should be given, either directly or indirectly, by a public statute to any combination to orally threaten injury to persons or property, business or occupations, or intimidate or coerce by such threats, or to interfere with the legal rights of others, or that the court should be prohibited from restraining such acts. It is for the purpose of preventing such an undesired and unwarrantable operation of the act and confining it to what its friends admit to be its legitimate scope that we recommend the adoption of the second amendment.

The bill is therefore reported back with the recommendation that it pass when amended as follows:

Page 2, from lines 5 and 6 strike out the following: "Nor shall such agreement, combination, or contract be considered as in restraint of trade or commerce."

Page 2, at the end of line 7, after the word "thereto," insert the following: "*Provided*, That the provisions of this act shall not apply to threats to injure the person or the property, business, or occupation of any person, firm, association, or corporation, to intimidation or coercion, or any acts causing or intended to cause an illegal interference, by overt acts, with the rights of others."

Mr. LITTLEFIELD. Mr. Speaker, I reserve the balance of my time.

Mr. TERRY. In the limited time allowed for debate it will not be possible for me to engage in anything like a full discussion of this measure.

The SPEAKER pro tempore (Mr. HEMENWAY). Does the gentleman from Georgia [Mr. FLEMING] yield to the gentleman from Arkansas?

Mr. FLEMING. I do.

The SPEAKER pro tempore. How much time?

Mr. FLEMING. Whatever time the gentleman desires to occupy.

Mr. TERRY. Mr. Speaker, this bill as originally offered was, as I understand, unanimously reported favorably by the Judiciary Committee in the Senate. In my opinion the amendments proposed by the House committee tend to defeat the very object that the laboring men had in view when the original bill was offered. I want the House to vote understandingly on that question.

I desire, furthermore, to say that this bill is almost a literal copy of an act which passed the British Parliament, and which will be found reported in the Foreign Labor Laws Bulletin of the Department of Labor, which I have here. In order to show the almost exact similarity of this bill to that act of Parliament, I will read:

An agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute between employers and workmen shall not be indictable as a conspiracy if such act, committed by one person, would not be punishable as a crime. Nothing in this section shall exempt from punishment any person guilty of a conspiracy for which a punishment is awarded by any act of Parliament.

That same provision is contained in this bill as originally offered, and is almost in the identical language.

Mr. LITTLEFIELD. But now will the gentleman from Arkansas read the next paragraph—the next section of the bill to which he has referred?

Mr. TERRY. I have already referred to that.

Mr. LITTLEFIELD. The gentleman will find that his contention is wrong, if he will compare the two.

Mr. TERRY. Very well, now; let us see. I read:

Nothing in this section shall affect the law relating to riots, unlawful assembly, breach of the peace or sedition, or any offense against the State or the sovereign.



Now, of course, a riot could not be by one person, so that is a qualification there. There can be no doubt about that.

Mr. RAY of New York. But there could be a riot by a dozen or more persons.

Mr. TERRY. Of course. But if, under the original bill, an act is done punishable by law when done by one man, it would be punishable if done by a dozen.

The SPEAKER. Does the gentleman from Arkansas yield?

Mr. TERRY. I decline to yield in the brief time at my disposal.

Mr. RAY of New York. The gentleman, of course, understands that the English laws are much broader and more comprehensive in some respects than our own?

Mr. TERRY. Of course. But if the gentleman will permit me, I do not desire to be interrupted, as my time is very brief. The English act is identical, or practically so, with the one which has been offered by the laboring men of this country, which was adopted by the Judiciary Committee of the Senate, and to which I have just referred. Now, if gentlemen choose to assume the responsibility of voting down the wishes of the laboring men and adopting a proposition manifestly not in their interest, of course that is the right of the gentlemen themselves.

Mr. LITTLEFIELD. Will the gentleman allow an interruption?

Mr. TERRY. I would prefer to proceed without interruption. I only wish to say that it is the apparent purpose of this bill to destroy the amendments which were put on the anti-trust bill a short time ago, and which you all voted for, I believe—only a few exceptions on that side of the House—and you accomplish it in this way. If you pass this bill in the form you now propose to pass it in, it effectually destroys that provision of law which met the approval of nearly every member in the House.

Now, when the first bill upon this subject was passed by Congress, when the matter was considered by this body, every man who spoke upon it said that it had no purpose or intention—that there was no purpose to apply it to the labor organizations. It was understood and believed that it had no application to them. Every member of the House will recollect that it was generally conceded that it did not apply to them. But if you pass the pending bill you destroy the effect of that amendment on the anti-trust bill. Are you willing to do that? Here is that amendment:

Nothing in this act shall be so construed as to apply to trade unions or other labor organizations organized for the purpose of regulating wages, hours of labor, or other conditions under which labor is to be performed.

Now, Mr. Speaker, I yield three minutes to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON of Alabama. Mr. Speaker, I desire to submit as a part of my remarks, and in order that the House may thoroughly understand this proposition, the report of the committee on the pending bill, and I ask that it be read in my time.

The Clerk read as follows:

The undersigned members of the Judiciary Committee dissent from the majority report on House bill No. 8917, "to limit the meaning of the word 'conspiracy,' and also the use of 'restraining orders and injunctions,' as applied to disputes between employers and employees in the District of Columbia and Territories, or engaged in commerce between the several States, District of Columbia, and Territories and foreign nations."

It is clear to our minds that it was never the legislative intent that the Sherman anti-trust law of July 2, 1890, which prohibits contracts and agreements "in restraint of trade and commerce," should apply to cooperative efforts of workmen in contemplation or furtherance of a trade dispute, especially when such efforts, if put forth by a single individual, would not constitute a crime.

The first amendment proposed by the majority strikes out the words "Nor shall such agreement, combination, or contract be considered as in restraint of trade or commerce."

There is no sufficient reason for striking out these words. They do not say that "no agreement, combination, or contract," etc., made by employees shall be considered in restraint of trade; but the language is "no such agreement," etc.; that is, no agreement, etc., to do an act, etc., which, if done by a single individual, would not constitute a crime. Within that limitation, and that alone, would the acts of employees be taken out of the operation of the Sherman anti-trust law by the pending bill.

The majority report does not seem to recognize this important distinction.

We think the words stricken out should remain in the bill.

The second amendment proposed by the majority is the insertion of the following proviso at the end of the seventh line on the second page:

"Provided, That the provisions of this act shall not apply to threats to injure the person or the property, business, or occupation of any person, firm or association, or corporation, to intimidation or coercion, or to any acts causing or intended to cause any illegal interference by overt acts with the rights of others."

If we had well-defined meanings for the terms "threats to injure," "intimidations," "coercion," "acts causing or intended to cause an illegal interference," etc., there might be no special objection to the purpose intended by this amendment. But in the absence of such well-defined ideas, the effect of this amendment will be either (1) to permit (and even to suggest by implication) such latitude of judicial construction as might negative all the good in the bill, or (2) to encumber the statute with a useless declaration of principles of recognized law.

In the now celebrated Debs case (158 U. S. R., p. 564) the Supreme Court placed its affirmation of the judgment of the lower court, not on the provisions of the Sherman anti-trust law, but on the broader ground of constitutional and statute law and on the well-recognized practices of remedial and preventive judicial procedure.

The court says:

"It prefers to rest its judgment on the broader ground discussed in its

opinion, believing it important that the principles underlying it should be fully stated and affirmed."

We believe that the principles stated and affirmed in that case go far enough and are sufficient guaranty for person and property without the aid of the proviso interpolated into this bill. That proviso might be used to unjustly oppress a class of citizens already at a disadvantage in the struggle between capital and labor.

We recommend that the bill pass without amendment, believing that under proper judicial construction no injustice will be done.

W. L. TERRY.  
H. D. CLAYTON.  
D. H. SMITH.  
WM. H. FLEMING.

I do not concur in the conclusion of the committee.

D. A. DE ARMOND.

The SPEAKER. The time of the gentleman has expired.

Mr. FLEMING. I yield two minutes more to the gentleman from Alabama.

Mr. CLAYTON of Alabama. Mr. Speaker, the bill as originally introduced is substantially following the legislation on this subject which has been had in the British Parliament. Indeed, the language of the bill is practically similar to that employed in the act passed by the British Parliament.

The two amendments to which reference has been made by the gentleman from Georgia seek to incorporate legislation in the bill asked for by the labor unions in the United States. This legislation is not contained in the original bill. The committee reports back the bill with amendments proposing to strike out the words on page 2:

Nor shall such agreement, combination, or contract be considered as in the restraint of trade or commerce.

The SPEAKER. The time of the gentleman has expired.

Mr. CLAYTON of Alabama. I ask the gentleman from Georgia to yield to me a few moments more.

Mr. FLEMING. I yield two minutes more to the gentleman from Alabama.

Mr. CLAYTON of Alabama. That, Mr. Speaker, is one of the amendments that the committee reporting this bill seek to make. It is an amendment the majority of the committee want the House to adopt. The labor unions object to striking out those words.

It is well known to those familiar with the famous Debs case that the decision in the lower court rested on the Sherman anti-trust law; but it is also known that the Supreme Court rested its decision upon the broader ground of the commercial clause of the Constitution, which permitted the interposition of the court to prevent irreparable injury.

Now, Mr. Speaker, the labor unions seek to take it out of the operation of the Sherman law and out of the purview of the courts under any general power to condemn these labor organizations in their efforts and in their fights with these corporations over labor disputes. There is no substantial reason given in the report of the majority of the committee why these should be stricken out. The contention of the labor unions is that they should be left untrammelled by injunction in their rightful contests with corporations where the question of labor is in dispute. This bill without these amendments serves to take away from the courts the power to interfere in labor disputes when men are not doing anything in violation of the rights of others. It is to limit this right of injunction.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CLAYTON of Alabama. I ask the gentleman to give me one minute more.

Mr. FLEMING. I give to the gentleman one minute.

Mr. CLAYTON of Alabama. They have another objection to this bill as amended. This second amendment inserts a proviso, the latter part of which is in these words: "or to any acts causing or intended to cause any legal interference, by overt acts, with the rights of others."

The contention of these unions is that that gives to the courts by express enactment the power to say what constitutes evidence of an intention which might be construed to cover the right to peaceably assemble and discuss a grievance. The courts that have not been friendly heretofore to labor organizations might so construe those words as to make overt acts out of whatever may suit the whim of the judge. That is a sort of a blanket clause under which the power of the court may be invoked on the side of the corporations against the laboring men in these disputes. Mr. Speaker, I desire to incorporate as a part of my remarks a letter from Mr. Fuller, showing that the labor organizations do not want this bill as amended.

The SPEAKER pro tempore. The gentleman asks unanimous consent to incorporate as a part of his remarks a letter from Mr. Fuller. Is there objection?

Mr. LITTLEFIELD. I should like to hear it read.

Mr. FLEMING. Let it be read in the time of my friend from Maine.

Mr. LITTLEFIELD. If it is a part of the debate on the other side, I should like to have it read in the time on the other side.



The SPEAKER pro tempore. Is there objection?

Mr. LITTLEFIELD. Yes; I want to hear it read.

Mr. CLAYTON of Alabama. Give me the time and I will have it read in my time.

Mr. LITTLEFIELD. I want it read in the time on the other side.

Mr. CLAYTON of Alabama. We will settle this first labor dispute right here to-day.

Mr. LITTLEFIELD. Not that I should object ordinarily, but I want to hear Mr. Fuller's letter, because Mr. Fuller has had quite a good many oral communications with me in relation to it and I want to get the letter, because I might desire to make some statement in relation to it in my own time. That is the only reason I want the letter read.

Mr. CLAYTON of Alabama. Give me a minute and I will read it for you.

Mr. LITTLEFIELD. Send the letter to me.

The letter is in these words:

WASHINGTON, D. C., January 30, 1901.

DEAR SIR: Referring to the amendments placed upon H. R. 8917 by the Judiciary Committee, I will say that they were submitted to us by Chairman RAY before the bill was reported from the committee, and after careful consideration of them by eminent legal counsel we were advised to not consent to them, and we so notified Mr. RAY. After it was reported to the House we again submitted it to three other reputable firms of attorneys, and they all agree that these amendments practically defeat the object of the bill, and say if it is enacted into law in its present shape it would furnish no relief. Consequently, on behalf of these organizations, I am authorized to say that if these amendments can not be defeated either in the House or Senate we do not want it passed.

Yours, truly,

Hon. H. D. CLAYTON, M. C.,  
Washington, D. C.

H. R. FULLER.

Mr. FLEMING. Mr. Speaker, how much time is remaining to the minority?

The SPEAKER pro tempore. The gentleman from Georgia has sixteen minutes remaining of his time.

Mr. FLEMING. I yield three minutes to the gentleman from Michigan [Mr. CORLISS].

Mr. CORLISS. Mr. Speaker, during the time allotted to me I can not properly present my own views upon this question, but I desire emphatically to protest against the amendments, and I make this protest on behalf of the railway organizations of this country, who are deeply interested in this subject. It seems to me that the Sherman law was never intended to cover organizations of labor. It ought not to do so; and I desire to have read in the three minutes allowed to me a telegram from the representatives of the railway organizations of the country protesting against these amendments.

The Clerk read as follows:

CLEVELAND, OHIO, February 16, 1901.

H. R. FULLER,  
Raleigh Hotel, Washington, D. C.:

The Brotherhood of Railroad Trainmen is opposed to the amendments to H. R. 8917, reported by the committee, and earnestly requests the support of every Representative to the minority report. Please communicate our position in this matter to every Congressman in most convenient way before vote is taken.

P. H. MORRISSEY,  
Grand Master Brotherhood of Railroad Trainmen.

Mr. CORLISS. Mr. Speaker, I hold in my hand telegrams from the organizations of labor engaged upon railroads in the State of Michigan, protesting against these amendments. They regard them as a direct infringement upon their interests and their rights. It seems to me that we ought not to act upon them. We ought to return this bill to the committee or vote the measure down. Mr. Speaker, I should like to ask whether under a motion to suspend the rules a motion to recommit is in order.

The SPEAKER. The Chair thinks not.

Mr. CORLISS. Is there any way by which we can vote upon the bill and the amendments separately?

The SPEAKER. There is not. That has been passed upon this morning.

Mr. FLEMING. I yield two minutes to the gentleman from Kansas [Mr. RIDGELY].

Mr. RIDGELY. Mr. Speaker, this bill as originally drawn and introduced by myself is the product of the attorneys employed by the united labor organizations of this country. After due consideration of the experience in our own Government and in our own courts, also bringing into consideration the experience of other nations, and especially of England, upon this great problem of the numerous issues that come up between organized labor and their employers, this bill was drawn in the belief that it would come within the constitutional limits, that it would stand the test of the courts and existing decisions, and that it would protect both the employer and the employed.

These men ask that this House shall pass the bill as it was introduced, but they are opposed to these amendments, believing that the amendments will be turned against organized labor; and therefore I can not ask any man to record his vote in favor of these

amendments. If the Republican side of the House sees fit to take the responsibility of passing this bill as it has been reported by the committee, we are willing that they shall do so, and we in behalf of labor will take our chances with the Senate to get the bill restored to its original form.

The SPEAKER. The time of the gentleman has expired.

Mr. RIDGELY. Mr. Speaker, I ask leave to extend my remarks, as I introduced the bill.

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. RIDGELY. I will first put into the RECORD the amended bill as reported by the Republican members of the committee, which is before us for our action, and I charge the Republican managers, who have the absolute control of the rules under which this and all legislation in this House is conducted, as having acted in bad faith with every labor organization in the nation by their refusal to give the House an opportunity to vote on the amendments separated from the bill, as they had agreed to do.

The bill as reported by the committee is as follows:

A bill (H. R. 8917) to limit the meaning of the word "conspiracy" and also the use of "restraining orders and injunctions" as applied to disputes between employers and employees in the District of Columbia and Territories, or engaged in commerce between the several States, District of Columbia, and Territories, and with foreign nations.

Be it enacted, etc., That no agreement, combination, or contract by or between two or more persons to do, or procure to be done, or not to do, or procure not to be done, any act in contemplation or furtherance of any trade dispute between employers and employees in the District of Columbia, or in any Territory of the United States, or who may be engaged in trade or commerce between any Territory and another, or between any Territory or Territories and any State or States, or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States, or foreign nations, shall be deemed criminal, nor shall those engaged therein be indictable or otherwise punishable for the crime of conspiracy, if such act committed by one person would not be punishable as a crime [nor shall such agreement, combination, or contract be considered as in restraint of trade or commerce], nor shall any restraining order or injunction be issued with relation thereto: *Provided, That the provisions of this act shall not apply to threats to injure the person or the property, business, or occupation of any person, firm, association, or corporation, to intimidation or coercion, or to any acts causing or intended to cause any illegal interference, by overt acts, with the rights of others.* Nothing in this act shall exempt from punishment, otherwise than as herein excepted, any person guilty of conspiracy, for which punishment is now provided by any act of Congress, but such act of Congress shall, as to the agreements, combinations, and contracts hereinbefore referred to, be construed as if this act were therein contained.

The amendments are, first, the striking out of certain words (printed in brackets), and second, the addition of all words in italics. The bill as introduced includes the part erased and omits the lines in italics.

I am not a lawyer, and will not offer any arguments of my own as to the legal effect of these amendments; but I will present here some letters by a number of the very best lawyers in the United States, written in response to inquiries by the officers of prominent labor organizations:

WASHINGTON, D. C., May 25, 1900.

DEAR SIR: Your favor of May 25, with its inclosure, is at hand. You inform us that Mr. RAY suggests striking from lines 5 and 6, page 2, of the bill the words "nor shall such agreement, combination, or contract be considered as in restraint of trade or commerce."

We can not recommend that you should accede to this proposition. To strike out these lines, allowing the prior part of the bill to remain as it is, would measureably at least leave the combinations declared to be innocent from a criminal point of view, subject to attack in a civil court. We do not say that such attack would be founded upon good law, but in view of the abuse of law with which you are familiar, we believe the attacks would be continued were the words designated struck out, as suggested by Mr. Ray.

Mr. RAY also suggests that there be added to the end of line 7, page 2, the following amendment:

*"Provided, That the provisions of this act shall not apply to threats, intimidation, coercion, or to any acts causing, or intended to cause, an interference by overt acts with the rights of others."*

Considering the act as a whole, the elimination of these words would inferentially justify the issuance of restraining orders against the commission of acts supposed to be criminal. One of the vices connected with the issuance of injunctions has been that such injunctions have tended to impair the criminal power of the court, and to enlarge the civil power of the court by authorizing it to deal with supposed criminality, thereby indirectly depriving the citizen of the right to trial by jury.

There may be, it may be argued, an interference by overt act with the right of another, such interference occurring by the combined efforts of several, when the several so acting are entirely within their own rights in the action they take. Interference with another may, therefore, under the common law, be entirely justifiable, and considering the pressure of competition might even be regarded as praiseworthy from a business standpoint. This proviso, however, inferentially might justify a court in treating such an interference as criminal or as justifying a restraining order or injunction.

Undoubtedly it is the view of the courts that many of the acts committed by trade unions are in restraint of trade. It does not follow, therefore, that such acts are in illegal restraint of trade or are blameworthy. There are many business acts which undoubtedly have a tendency to restrain trade, but which can not, therefore, be attacked by the courts. Agreements in partial restraint of trade have repeatedly been recognized as legal, and the effect of the section as prepared by us was to prevent any court from declaring illegal the acts which the section defines as innocent.

We see no reason to believe that it will be beneficial to amend the bill in the manner proposed by Mr. RAY, but, on the contrary, are inclined to think that the amendment would materially weaken the corrective legislation we are now seeking.

Truly yours,

SAMUEL GOMPERS, Esq., Washington, D. C.

RALSTON & SIDONS.



CLEVELAND, OHIO, —, —.

DEAR SIR: Yours, inclosing letter from H. R. Fuller, together with House bill No. 8917, received, and the bill has received our careful attention.

We are of the opinion that the second amendment to the bill substantially destroys all the good there is in it; that the amendment takes out the meat and bone, blood and sinew, and, in fact, leaves nothing.

It would be hard, in our judgment, to conceive a case that might not, by a court desiring to do so, be held to come under some one of the provisos. The amendment provides "that the act shall not apply to threats to injure the person or the property, the business or the occupation of any person, firm, association, or corporation, or shall not apply to the intimidation or coercion, or shall not apply to any acts causing or intended to cause the illegal interference, by overt acts, with the rights of others."

If the provisions of the act do not apply to any of these, there is not much left to which the act can apply, and we do not think labor organizations have gained anything by the passage of the bill. It may be charged up against them that the bill was passed at their request and that they got what they wanted.

We return you the letter and bill herein.

Yours,

NOBLE, PINNEY & WILLARD.

P. H. MORRISSEY,  
Grand Master, B. R. T., City.

CLEVELAND, OHIO, December 28, 1900.

DEAR SIR: I have examined the copy of House bill No. 8917 and the report thereon of the Judiciary Committee, No. 2007, and dated December 3, 1900, in connection with the letter to you of H. R. Fuller, dated December 12, 1900. In regard to the same I desire to say that I am somewhat at a loss to understand why the Judiciary Committee desire to amend the bill by striking out the words: "Nor shall such agreement, combination, or contract be considered as in restraint of trade or commerce."

While I recognize much force in the observation of the committee's report with regard to discriminating between classes or individuals in the application of the laws, I am at a loss to understand why they should not apply the same principles to the clause immediately following the one stricken out, "Nor shall any restraining order or injunction be issued with relation thereto." Your order has had experience which demonstrates that, in the hands of a judge in sympathy with employers, a restraining order or an injunction can be made a very effective instrument to cripple the efforts of employees to maintain what they consider to be their moral and legal rights.

Now, if the Judiciary Committee is content to make an exception of employees in the matter of the use of a restraining order and an injunction in connection with the transaction set out in the bill, why should it not be equally willing to make an exception as to the operation of this provision of the Sherman anti-trust law, which was penal in its very nature. If Congress has the power to limit the power of the courts in the use of injunctions and restraining orders, it certainly has the power to make an exception of individuals and classes of individuals as to the operation of criminal law. That it has that power as to injunctions and restraining orders would seem to follow from the fact that the Judiciary Committee allows the clause last quoted above to remain in the bill without question. Certainly the committee would not report in favor of a bill containing a clause which in the opinion of the committee is unconstitutional or invalid.

In other words, I am unable to understand from the report of the committee why they should strike one clause out and leave the other remaining. They are so much alike in the purposes which each is to serve, and also in their natures, that every word of criticism of one should be equally applicable to the other.

The second amendment consists of the insertion of the following words: "Provided, That the provisions of this act shall not apply to threats to injure the person or the property, business, or occupation of any person, firm, association, or corporation, to intimidation or coercion, or to any acts causing or intended to cause an illegal interference, by overt acts, with the rights of others." This language is very broad and is liable to be construed by a court in sympathy with employers in such a way as to leave very little force in the preceding provisions of the act.

For instance, threats to injure the occupation of any person might be held to include almost any action taken by organized labor, because in its very nature such action might threaten the occupations of those who are not members of the organizations. The words "intimidation" and "coercion" are words which have not been very well defined by the courts, and by the use of them in this provision the door is left open to a court by giving them a wide and liberal meaning to cover almost any action or proceeding of organized labor in the effort to carry out perfectly proper and legal purposes.

I am, therefore, of the opinion that if the bill passes in its present form, it will afford but very little relief to your order as to those things, to relieve which the bill was framed and introduced.

Yours, respectfully,

ALEX. HADDEN.

P. M. ARTHUR, G. C. E.,  
Brotherhood of Locomotive Engineers,  
Society for Saving Buildings, City.

These eminent lawyers all agree that the amendments injected into this bill by the committee will destroy all protection to the members of labor unions, and they clearly point out the danger lurking in them.

I will now present a few commentaries by very eminent authorities, all in support of this bill as introduced:

W. Stanley Jevons, an English economist, in his *The State in Relation to Labour*, which is a very conservative writing, in discussing the law of industrial conspiracy and the English act of 1875 relating thereto, says:

"There is no part of the law relating to labor which has been debated with more bitterness than that touching the doctrine of conspiracy. Until quite recent years the common law gave power to the judges, or they, at any rate, assumed the power, to treat any combination of laborers aiming at the increase of wages as a conspiracy against the public weal, an attempt at public mischief, which could be punished as a misdemeanor by fine and imprisonment."

"The celebrated case of the Dorsetshire laborers in the year 1834 was an instance of the exercise of this somewhat arbitrary power. The common law has now been defined and restricted, if not almost abrogated, by the conspiracy and protection of property act, 1875, which in the third section enacts that an agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute between employers and workmen shall not be indictable as a conspiracy if such act committed by one person would not be punishable as a crime." (*The State in Relation to Labour*, W. Stanley Jevons, p. 123.)

He further said:

"In accordance, however, with what has been said before, it is one thing to hold that there must exist the offense of conspiracy and another thing to

say that any particular kind of conspiracy should be punished. Conspiracy is especially a question of degree, varying in several ways, as regards the number of persons involved, the consciousness of common intention on their part, and the innocence or noxiousness of the purpose aimed at. One end of the scale is formed by some case in which thousands of men intentionally injure society in a manner which might lead to death, distress, and harm incalculable."

"At the other end of the scale we may place the case of a few workmen talking over together the state of trade and their own condition and agreeing unanimously that they must ask for more wages. Nothing can be easily conceived more innocent, if not praiseworthy, than the latter action; few things more blamable than the former. It is therefore the extreme vagueness and gradation of the act of conspiracy which constitutes the difficulty. This was surmounted in the old common law, if, indeed, surmounted at all, by leaving it to the discretion of the judges only to apply the law where the interests of society required it. But even judges are not always perfectly discreet, and the sentence of seven years' transportation passed upon the Dorsetshire laborers for a mere strike, involving nothing which we should now esteem criminal, not unnaturally created intense indignation throughout the country."

"I venture to hold, therefore, that the conspiracy and protection of property act of 1875 was drawn upon the proper lines. It endeavored to discriminate such acts of conspiracy as are and are not highly noxious to society." (*The State in Relation to Labour*, W. Stanley Jevons, p. 132.)

Here is another:

Mr. George Howell, one of England's greatest writers on industrial questions, in his *Conflicts of Capital and Labour*, in speaking of the causes and effect of the conspiracy and protection of property act of 1875, says:

"The law of 1871, which resulted from the inquiries of the royal commission, was in many respects a great advance upon all previous legislation in favor of the workmen; but in the matter of the right of a workman who was at the same time a unionist to address another workman who was a non-unionist, or who happened to be employed during a strike, there was a positive curtailment of his liberty beyond anything contained in the acts for which the criminal law amendment act was to be substituted. This will be referred to more definitely in the paper on picketing, but in general terms it may be said that the new law was more stringent than the old one which it repealed."

"In the opinion of the workmen the law in itself was unjust, and its administration was marked by exceptional severity. Under these circumstances a good deal of sympathy was manifested toward all who were prosecuted under this law, not because the lawbreakers were justified in their conduct upon all occasions, but because the punishment awarded was often out of all proportion to the offense, and was inflicted, or at least so it appeared to the unionist workmen, as a means of terrorism over the heads of all those who were members of the unions."

"This policy was a mistaken one from beginning to end; men who had really broken the law, not in the letter only, but in the spirit, were often looked upon as being persecuted. They were treated as martyrs for the simple reason that, in effect, the law was directed against a class instead of against the offenses of which some lawless men were actually guilty. The mistake committed in 1871 was not repeated in 1875. In this respect the labor laws of 1875 were an immense advance upon all previous legislation, and especially upon the enactments of 1867 and 1871, remedial as both of these measures were."

"The full benefits of the legislation of 1875 can not as yet be seen, but it is not too much to say that the happiest results will be sure to follow, in the interests of law and order. In the future they will tend to produce greater harmony between employer and employed, for a good deal of the irritation of the past was caused by the repressive laws by which workmen were tried and punished. Even now, after they have been in operation for nearly two years, notwithstanding their leniency as compared with former laws, the prosecutions have been but few, and the need for such prosecutions are daily diminishing, and will diminish year by year. The history of the operation of repressive enactments supplies a lesson which masters and workmen may study with advantage, and which it is the duty of both to learn." (*The Conflicts of Capital and Labour*, by G. Howell, pp. 317, 318.)

And again:

In Stephen's *Commentaries on the Laws of England*, under the head of *Conspiracies*, I find the following:

"So a combination among workmen to raise the price of wages was once deemed to be, in every case, a conspiracy, though the same object, if contemplated by a single workman, would not have been criminal or even actionable."

"But so far as regards this particular variety of offense, the law as to efforts to obtain a rise in wages has been materially altered by the trade union act, 1871, an act which has been amended by the 39 and 40 Vict., chapter 22; and it is thereby enacted that the purposes of any trade union shall not, by reason merely that they are in restraint of trade, be unlawful, so as to render the members liable to prosecution for conspiracy or otherwise; \* \* \* and by the conspiracy and protection of property act, 1875, an agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute between employers and workmen shall not be indictable as a conspiracy, if such act committed by one person would not be punishable as a crime, either by indictment or by way of summary conviction." (*Stephen's Commentaries on the Laws of England*, 12th edition, vol. 4, pp. 245-246.)

In reference to trial by jury, Stephen's *Commentaries* says:

"We proceed, therefore, secondly, to trial by jury, or by the country, being that trial by his peers which, as the grand bulwark of his liberties, is secured to every Englishman by the Great Charter." (*Stephen's Commentaries on the Laws of England*, 12th edition, vol. 4, p. 373.)

Mr. Speaker, the entire membership of our numerous labor organizations is watching our proceedings to-day on this bill, and I warn the Republican leaders that they and their party will not be able to go on forever posing as the friends of the toilers during elections, then betray them on their every appeal for legislation to justly protect them against the greed and oppression of their employers.

We have charged bad faith on the part of the Republican chairmen both of the committee and of the subcommittee reporting this bill, in refusing to aid us in getting a separate vote on the amendments. They are trying to evade their responsibility by denying our claim that they agreed to ask consent for a separate vote. In support of our charge I have received a letter from Mr. Fuller, the legislative representative of five labor organizations,



in which he states his understanding with Mr. RAY and Mr. LITTLEFIELD.

I quote Mr. Fuller's letter in full:

WASHINGTON, D. C., February 18, 1901.

DEAR SIR: In the debate this afternoon on the conspiracy and injunction bill (H. R. 8917) Hon. C. E. LITTLEFIELD, in effect, said that he had not promised me that he would try to bring the bill up in a way in which the committee amendments could be voted upon separately. In answer to this, I will say that Mr. LITTLEFIELD's statement of what transpired between he and I in regard to this matter is not correct:

On Saturday afternoon, February 16, at the request of Mr. LITTLEFIELD, I accompanied him to the Judiciary Committee room, where we had a conference with Hon. G. W. RAY, the chairman of the Judiciary Committee, and at this conference both of these gentlemen agreed that they would first try to bring the bill up under unanimous consent, so that a vote could be taken upon the amendments separately. It was also agreed that if unanimous consent was asked to vote on the amendments separately, even if the bill was taken up under suspension of the rules, they would not object.

I then said to them that if they would do this and the amendments were carried by the House we would be satisfied to have the bill passed, with the hopes of getting the amendments taken off in the Senate.

Yours, truly,

H. R. FULLER.

Hon. E. R. RIDGELY, M. C.,  
House of Representatives.

In further support of our charge of bad faith I will add that Mr. FLEMING, one of the committee, who drew the views of the minority, stated to me just before the bill was called up that it was his understanding that Mr. RAY of New York and Mr. LITTLEFIELD would help in getting a separate vote.

They doubtless decided at the last moment that if a separate vote was permitted their amendments would be defeated and the bill pass as it was introduced. I will not say more at this time except to add that their days of obstruction will be shortened by their record here to-day.

Mr. FLEMING. I yield one minute to the gentleman from Pennsylvania.

Mr. GREEN of Pennsylvania. Mr. Speaker, I desire to put on record a communication from the State Legislative Board of Railroad Employees of Pennsylvania.

The letter is as follows:

THE STATE LEGISLATIVE BOARD OF  
RAILROAD EMPLOYEES OF PENNSYLVANIA,  
OFFICE OF THE SECRETARY,  
East Mauch Chunk, Pa., February 11, 1901.

DEAR SIR: H. R. bill 8917 will, we are informed, be brought out of Judiciary General Committee in a few days with two amendments. We sincerely hope you will see your way clear to vote down the amendments and pass the bill as originally introduced. Believing you will give this request your kind consideration, I am,

Very respectfully, yours,

J. N. WEILER,  
Secretary.

Hon. HENRY D. GREEN,  
Washington, D. C.

Mr. FLEMING. I ask the gentleman to consume some of his time.

Mr. LITTLEFIELD. Oh, no; the time is very short. I shall only occupy a few moments, however. Are you through?

Mr. FLEMING. No; we are not. How many speeches are to be made on your side?

Mr. LITTLEFIELD. Not more than one or two.

Mr. FLEMING. We have had several, and you ought to alternate with us.

Mr. LITTLEFIELD. That is a matter of choice.

Mr. FLEMING. It is the custom of the House in debate to alternate from one side to the other.

Mr. LITTLEFIELD. I will state frankly to the gentleman that I want to say a very few words in closing debate.

Mr. FLEMING. You will have that right.

Mr. LITTLEFIELD. I do not care to say anything else at present. If other gentlemen desire to be heard, I should be glad to yield to them.

The SPEAKER. The gentleman in charge of the bill has the right to insist that the gentleman from Georgia close his part of the time, unless there is a unanimous arrangement.

Mr. LITTLEFIELD. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has twenty minutes remaining.

Mr. LITTLEFIELD. I yield ten minutes to the gentleman from New York.

Mr. RAY of New York. Mr. Speaker, the bill now up for consideration in this House is one of great importance; not only one of vast importance to capital and all property owners, but of great importance to the labor organizations throughout the country, one in which they feel a deep interest.

The bill as originally drawn and sent to the committee is too broad to be enacted into law. Some gentlemen on the other side have compared it with a similar act of the British Parliament. They did not state to this House that the laws of England in regard to conspiracy, riots, etc., referred to in that act, are very broad and very comprehensive—much broader and much more comprehensive than ours on the same subject. When we put

these amendments in this bill we made it almost exact in intent, in purpose, and in effect with the act of England on the subject; and that is one reason we put them in.

Now, my respected colleague on the Judiciary Committee [Mr. CLAYTON of Alabama] says in his minority report, and in which it will be noted all the Democratic members do not concur, that there would be no objection to this second amendment, if what? If we knew the meaning of the words used therein. Now why should not the gentleman from Alabama understand the meaning of these words in this amendment? Let me read them and see whether there is any obscurity or not:

That the provisions of this act shall not apply to threats to injure the person or the property, business or occupation of any person, firm, or association, or corporation.

Any obscurity there? Does anyone want it made lawful for a large number of persons to get together and threaten to do these acts and follow the threat by an overt act? I think not. No member of a labor organization, if he has the interest of his organization or the interest of his country at heart, would want any of these acts named in the amendment legalized. Nor shall it apply to—

Intimidation or coercion or to any acts causing or intended to cause any illegal interference by overt acts with the rights of others.

Any obscurity there? Do you not know what it means? The plainest man on the farm or on a railroad train knows what these words mean, every one of them; and if the gentleman from Alabama does not know what overt acts are in connection with crime, I would turn him back to the reading of the decision, the luminous decision of John Marshall, in the great trial of the United States against Aaron Burr, when the question was up and discussed. We all know what constitute overt acts. There is no obscurity in the definition of overt acts. Every lawyer, every farmer, every laboring man knows what constitutes an overt act when the question of whether or not a crime is being committed is presented. And no man possessed of good sense or desiring to have good order in a community would ask to have one of those acts excepted from the operations of this bill by the amendment legalized. We desire to protect the interests of mercantile men, business men, and railroad and other corporations, while at the same time protecting the interests of the great labor organizations and other labor interests of this country. This we do by the amendments to this bill. They are wise and necessary.

These amendments are very simple; they are in the interest of the laboring men, the labor organizations, and of business, for labor and capital should go hand in hand in these matters, each desiring to promote the just interests of the other, and both working for the common good of all. They must go hand in hand, work in harmony, and then there will be no trouble. There was some difference of opinion in the committee, but by a large majority it was deemed wise and best and necessary to incorporate these amendments in the bill. And, Mr. Speaker, if in the future it shall be discovered that we have not gone far enough in liberalizing the law as it now stands in the interest of labor it will be very easy to give still further relief and take a step further in that direction. Every lawyer knows how dangerous it is in amending criminal laws, or laws against interference with property and personal rights, to let down the bars. Therefore we say that we ought to move with caution; that we ought to go slowly. We have gone a great way in this bill, as far as the judgment of this committee thought it wise and proper to go at this time.

Mr. CORLISS. Will the gentleman allow an interruption?

Mr. RAY of New York. Yes.

Mr. CORLISS. I would like to ask the gentleman if he does not regard the first amendment as an attempt to include the labor organizations under the Sherman bill?

Mr. RAY of New York. Not as an organization; certainly not. No man, court, or judge has ever claimed that it did. The gentleman from Michigan does not understand what he is discussing.

Mr. CORLISS. I can not understand what the gentleman from New York is discussing.

Mr. RAY of New York. I will try and make you understand. A man, as a man, whether he belongs to a labor organization or not, a combination of three, a dozen, fifty, or a hundred men, getting together and doing certain acts, may be within the meaning and the purpose of the Sherman anti-trust law as it stands now. This bill as amended does not broaden that law, but limits it. It makes no difference in my mind or judgment, Mr. Speaker, whether it be a dozen individuals conspiring or whether it be a corporation that is committing a wrong against his fellow-man, against property or property rights, all should be within the broad scope of the law, all should be within the reach of the law. If we forbid a corporation to do a certain act and make the act a crime, that same act ought to be wrong and criminal in the eye of the law if done by one man or by a dozen men. It ought to be wrong, no matter whether it is committed by an individual or by an organization.

Mr. CORLISS. Then the gentleman does say that the first



amendment has for one of its purposes the intention of covering the labor organizations.

Mr. RAY of New York. The amendment has for its object the purpose, not the covering of a labor organization, but it has for its purpose and object the preservation of the honest meaning, intent, and purposes of the Sherman anti-trust law, properly considered and interpreted and properly applied. We do not propose to permit combinations to destroy property, injure persons, and overthrow society, law, and order to be legalized, and no man who loves his country and favors law and order and the preservation of property and property rights and the general good and prosperity of his country will favor a measure that not only permits but legalizes such combinations. Personal liberty is a grand thing, but it should not include license to do unlawful acts or interfere with the person and property of others unlawfully. Hence the amendment.

Mr. Speaker, it ought to be understood by the members of the House that this bill was reported because urged by the labor organizations and after their express statement that they did not desire a single act mentioned in the second amendment legalized. Every effort has been made to secure consideration under unanimous consent, but that could not be done. The gentleman from Maine has been compelled to obey the instructions of the committee. It has been brought up under suspension of the rules, so as to secure action, and this has been done at the urgent request and solicitation of labor organizations and with their express statement that they wanted the bill passed in its present amended form rather than not passed at all. Those who desire to defeat legislation in the interest of labor and labor organizations will vote against the amended bill, while those who desire to liberalize the present law in their interest will support it.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. FLEMING. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman from Georgia has eleven minutes remaining.

Mr. FLEMING. Mr. Speaker, I wish in that eleven minutes to make a statement of fact which I think will be of far more importance to the House than for me to attempt to make a legal argument in that limited time. This bill was introduced in duplicate, one by Senator THURSTON of Nebraska in the Senate and the other by the gentleman from Kansas, Mr. RIDGELY, in the House. The bills were identical in words. The bill in the Senate went to the Judiciary Committee and was reported back without one single word by way of amendment.

We all know the standing of some, at least, of the eminent lawyers on that committee in the Senate, the distinguished Senator from Massachusetts, Senator HOAR, being its chairman. If these eminent lawyers could find nothing in this carefully drawn bill to call out their animadversion, it seems strange that a majority of the Judiciary Committee in the House could find something so damaging and so fatal in its effects. The majority of the House Judiciary Committee reported the bill back with two amendments, which the laboring people, after due consideration by their attorneys, and which the minority of the Judiciary Committee believe, are dangerous, and take away substantially all the virtue there was in the bill as it was originally drawn. The laboring men, through their representative here, have been diligent, in season and out of season, in attempting to get this bill before the House in a fair, square, impartial manner, in order that the issues between the majority and minority reports of our Judiciary Committee might come before the House and be squarely and fairly voted upon.

Mr. McDERMOTT. Will the gentleman allow me an interruption?

Mr. FLEMING. If the gentleman will be quick about it.

Mr. McDERMOTT. The caption of this bill includes commerce between States, but the bill itself does not mention it.

Mr. FLEMING. I am going to point out that patent defect in a moment. The labor organizations only seek a fair vote in this House, in order that the members of this body may each for himself form his own opinion and cast his vote accordingly. The only opportunity at this stage of the session was to call it up under suspension of the rules. As every member of the House knows, when a bill is called up under suspension of the rules, you can not amend it; you are obliged to vote for the bill as it comes from the committee exactly, and without separate vote on amendments themselves.

The labor representative, as I am credibly informed by him, went to the chairman of the Judiciary Committee and to the gentleman from Maine [Mr. LITTLEFIELD], who has special charge of this bill on the floor, and urged them to give the simple pittance of allowing the members of Congress to vote on these amendments, instead of being required to vote on the bill as amended. That gentleman thought he had an understanding with the chairman of the committee and the gentleman from

Maine in charge of the bill that they would get that consent if possible. In pursuance of that information on my part, when the bill was called up a few moments ago, I asked unanimous consent that the House might be allowed to vote separately on the amendments, in order that the issue between the majority and minority reports might be settled fairly and squarely.

The Chair put the request; and no member on the floor of this House could be found to raise that objection except the gentleman from Maine [Mr. LITTLEFIELD], who is in charge of the bill on the floor. I want it to go down in the RECORD that the refusal to allow a separate vote on these amendments came, not from this side of the House, came not from any member of the minority, but came from the chairman of the subcommittee, the gentleman from Maine, who has the management of the bill on the floor.

Now, what is the situation? What is the use of our discussing the merits of the amendments when we are not allowed to vote them out? The majority of the committee put the amendments on. The minority say they ought not to be on at all, that they ought to be left out entirely. And we have no opportunity to say whether the amendments properly belong there or should be stricken out. The only question we can vote upon is whether we will take the bill as it has been amended, without any opportunity whatever to pass the bill in its original shape.

Mr. RAY of New York. May I ask the gentleman a question?

Mr. FLEMING. Gladly.

Mr. RAY of New York. Are you going to vote against the bill with the amendments?

Mr. FLEMING. I am not going to vote for it.

Mr. RAY of New York. Are you going to vote against it?

Mr. FLEMING. I am going to put the responsibility upon the chairman of this committee and the other members who want to take up and pass this bill in what we believe to be a mutilated shape.

Mr. RAY of New York. Do you dare to vote against it?

Mr. FLEMING. I will not vote for it; and I will put the responsibility on you gentlemen to make it a law.

Mr. RAY of New York. Tell me whether you are going to vote against it?

Mr. FLEMING. You have my answer. I put on you the responsibility of passing it in the way you have mutilated it.

Mr. CLAYTON of Alabama. The Senate may amend it.

Mr. FLEMING. Yes; it is barely possible that proper amendments may be put on the bill in the Senate, for in the Senate the bill was reported and passed without these amendments, and this House would strike them out if you would give us the opportunity to do so.

Mr. RAY of New York. I want to say to the gentleman that I have had more than 50—

The SPEAKER pro tempore. Does the gentleman from Georgia yield?

Mr. FLEMING. Yes; if the gentleman will be brief.

Mr. RAY of New York. I want to say to the gentleman that I have had more than 50 communications from labor organizations throughout the country saying they want this bill passed with the amendments if they can not have it in any other shape, although they prefer it without the amendments.

Mr. FLEMING. Mr. Speaker, I wish to direct special attention to that statement. The gentleman from New York, the chairman of the Judiciary Committee, says that he has had more than 50 communications from labor organizations throughout the country saying that they want these amendments voted down.

Mr. RAY of New York. Oh, no; I did not say any such thing.

Mr. FLEMING. The gentleman said they wanted the bill passed without the amendments.

Mr. RAY of New York. Do not misrepresent me.

Mr. FLEMING. The RECORD will show what the gentleman said.

Mr. RAY of New York. I said I had received more than 50 communications from labor organizations stating that they wanted this bill as amended passed, but preferred it without the amendments.

Mr. FLEMING. That is exactly what I said—that they wanted the amendments voted down, if there were a chance to vote them down. [Applause.] In 50 communications these labor organizations have said that they want these amendments voted down.

Now, I want to read a letter from the gentleman who is here in charge of this bill—I mean Mr. Fuller—a gentleman outside of this House, who is doing what he can to get a hearing for the bill. The letter is directed to me, and I will put it in the RECORD:

[H. R. Fuller, legislative representative of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen, Order of Railway Conductors, Brotherhood of Railroad Trainmen, and Order of Railroad Telegraphers.]

THE RALEIGH,  
Washington, D. C., February 18, 1901.

DEAR SIR: I am authorized by the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen, Order of Railway Conductors, Brotherhood of Railroad Trainmen, and the Order of Railroad Telegraphers to say



that the committee amendments to H. R. 8917 are both objectionable and dangerous, and we earnestly and respectfully ask the support of all Representatives to the minority report.

Yours, truly,

H. R. FULLER.

Hon. W. H. FLEMING, M. C.,  
House of Representatives, City.

Mr. LITTLEFIELD. What is the date of that letter?

Mr. FLEMING. February 18, 1901.

Mr. CLAYTON of Alabama. May I interrupt the gentleman from Georgia to call his attention to the difference between the body of the bill and its title?

Mr. FLEMING. The gentlemen in charge of this bill have gotten themselves into considerable of a mess. They have reported a bill here with a manifest error on its face. It is intended to apply to the law of interstate commerce, but they fail to insert the words "commerce between the States." They have inserted "commerce between the Territories and States and commerce between the Territories and the District of Columbia," but, strange to say, they have omitted to put in these words which rightly belong there—"between the several States." That is a patent defect on the face of the bill.

Mr. RAY of New York. The gentleman from Georgia had better address that criticism to the gentleman who introduced the bill. In that respect, as the gentleman himself concedes, the bill is just as the labor organizations say they want it.

Mr. FLEMING. But when a defect is pointed out, do you not want it amended?

Mr. RAY of New York. You want to put in the bill the very provision that you object to.

Mr. FLEMING. Not a bit of it.

Mr. RAY of New York. You are finding fault because you do not find in the bill the very thing which you say the labor organizations object to. Your position is absolutely ridiculous.

Mr. FLEMING. It is strange that the gentleman should so absolutely misapprehend my position.

Mr. RAY of New York. You find fault because that which you object to is not in the bill.

Mr. CLAYTON of Alabama. No; he wants to make the bill conform to the title.

Mr. FLEMING. I desire to proceed.

The SPEAKER. The gentleman declines further to be interrupted.

Mr. FLEMING. We all know the general provisions of the interstate-commerce act. It reads generally, "commerce between the States and between a State and a Territory or between the Territories, or between a Territory and a State or the District of Columbia." Now, this bill, by an oversight, evidently on the part of the draftsman or possibly on the part of the typewriter, omits to put in the words "or between the States," in line 9. It is a reflection on the Judiciary Committee, it is a reflection on this House to allow this bill to pass with such a patent error in it. I am perfectly willing to ask unanimous consent, for there certainly can be no objection, that that correction may be made, but I will do it only on condition that the gentleman will allow us a separate vote on the two amendments.

The SPEAKER. The time of the gentleman has expired. The gentleman from Maine [Mr. LITTLEFIELD] has ten minutes remaining.

Mr. LITTLEFIELD. If I remember correctly, the gentleman from Georgia [Mr. FLEMING] was on the subcommittee with the gentleman from Maine having consideration of this bill in the Committee on the Judiciary, and the gentleman from Georgia had the same opportunity to examine its verbiage and language when he was on that subcommittee looking it over that the gentleman from Maine had or that he has had since, and when he rises here in his seat and undertakes a reflection upon the Judiciary Committee he simply reflects upon himself as a member of that subcommittee.

Mr. FLEMING. Mr. Speaker—

Mr. LITTLEFIELD. Now, I do not yield to the gentleman from Georgia.

The SPEAKER. The gentleman declines to yield.

Mr. FLEMING. I simply call attention to it now to ask you to correct it.

Mr. LITTLEFIELD. I call attention to the fact that the bill in that particular reads exactly as it was drawn by the attorneys for the labor organizations. It was reported by the subcommittee to the Committee on the Judiciary without a change, without the dotting of an "i" or the crossing of a "t," except the two fundamental amendments which did prevent this bill from having the far-reaching operation that its proposers desired. That is the history of the bill in the committee.

Mr. MOODY of Massachusetts. Will the gentleman yield for a question?

Mr. LITTLEFIELD. I have only a few moments. If there is any patent defect in this bill that is now discovered by the gentleman from Georgia, with his increased and urged-on ingenuity,

that he did not discover when he was sitting on this bill as a member of the subcommittee, and if he would not connect it with another request which he knows would not be granted, why it might be allowed.

Mr. FLEMING. I will not make it, except on that condition. Mr. LITTLEFIELD. I do not yield to the gentleman from Georgia. I have only ten minutes. Now, in relation to the question whether the labor organizations—

Mr. LANHAM. I think the gentleman is mistaken in saying that the gentleman from Georgia [Mr. FLEMING] was on the subcommittee.

Mr. LITTLEFIELD. Was he not on the subcommittee?

Mr. LANHAM. No.

Mr. LITTLEFIELD. Very well, then.

Mr. FLEMING. Of course, the omission of these words to which I have called attention is an error. Anybody can see that.

Mr. LITTLEFIELD. If the gentleman was not on the subcommittee he was on the Judiciary Committee, and it passed before him, as it did before everybody on the Judiciary Committee. Now, this bill does not go as far—

Mr. RAY of New York. Is it not true that we had many hearings in regard to this bill and that it was read over and discussed at various times before the full committee and in the presence of the gentleman from Georgia?

Mr. LITTLEFIELD. Again and again, and over and over and over again, line by line and word by word. Now, this bill does not go as far as the gentlemen who propose it would like to have it go. The committee did not think it was prudent or proper to let it go that far. Mr. Fuller, whose letter has been cited here, and who writes a letter on the 18th of February, does not say in that letter, I beg the House to notice, that he does not want this bill passed with the amendment if it can not be passed without. I ask you to notice that.

Mr. FLEMING. As a matter of fact, on information only—

Mr. LITTLEFIELD. I can not be interrupted. I have not the time.

Mr. FLEMING. I wish now simply—

The SPEAKER. The gentleman declines to yield.

Mr. FLEMING. I should like to give the gentleman the authority on that. Will you not allow me to submit the authority on that?

Mr. LITTLEFIELD. I am going to state a conversation I had with Mr. Fuller myself.

Mr. FLEMING. I wish to give you a still later authority that I have received later. I have a message from Mr. Fuller and Mr. Gompers—

Mr. LITTLEFIELD. I decline to be interrupted.

Mr. FLEMING. That they would rather have this bill defeated than see it pass as it is.

Mr. LITTLEFIELD. The gentleman from Georgia has just read a letter, dated the 18th of February, that asks this House to vote these amendments down. I beg the House to note that it does not ask this House not to pass this bill if the amendments can not be voted down.

Mr. FLEMING. I have received—

Mr. LITTLEFIELD. I will not yield.

The SPEAKER. The gentleman declines to yield.

Mr. LITTLEFIELD. Now, I am going to state a conversation I had with Mr. Fuller, not to-day, but Saturday, and other days of last week. I explained to Mr. Fuller that the committee believed that this bill as amended went as far as it ought to go.

A MEMBER. What Mr. Fuller is that?

Mr. LITTLEFIELD. He is the gentleman who writes these letters. I told him that I could not bring up the bill under a request for unanimous consent under the direction of the committee; that the committee had instructed me to move to suspend the rules, and I explained to him the effect of that proposition; that it would be to put this bill as it now stands before the House for a vote, and I told him if he did not want the bill brought up in that manner, so far as I was concerned, I would not bring it up for action. He told me then that he preferred this bill as amended to no legislation; that he would like to have some action on the part of the House. I told him with that understanding I would move to suspend the rules and give the House an opportunity to vote upon this proposition, with the amendments of the committee included in the bill.

Mr. FLEMING. Will the gentleman from Maine—

Mr. LITTLEFIELD. No; I can not stop, because I have a few other things to say.

The SPEAKER. The gentleman has repeatedly declined to yield to the gentleman from Georgia.

Mr. LITTLEFIELD. Now, I have not had any conversation with Mr. Fuller this morning. I have not had any conversation with him since Saturday, but I understood when I called this bill up here for action that I was doing it at the request of Mr. Fuller. I did not understand that he agreed to the bill. I did not understand that he liked the bill, but I understood that he was willing



to take the bill if he could not get anything better. Now, that is the exact situation, so far as these organizations are concerned, as I understand it.

I have just a suggestion that I want to make in relation to the act itself, only a few words as to the effect of the amendments.

The Sherman anti-trust act does not in terms apply to labor organizations or to any organization. I will read a part of the first section:

Every contract or combination in form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations, is hereby declared to be illegal.

"Every contract in form of trust or otherwise." That does not apply in terms to labor organizations; it does not apply in terms to corporations; it does not apply in terms to individuals. It affects them when organizations or individuals or corporations enter into contracts or agreements in restraint of interstate trade and commerce. It applies to all equally and alike, as every criminal law ought to apply, and the committee did not believe that even the labor organizations, when they came to look this matter over carefully, would desire discrimination in their favor and against other citizens of the Republic.

We could not say, by reporting this bill as they suggested it to the committee, that we would discriminate in favor of or against any class in this country. We could not say that we would authorize and permit labor organizations to restrain interstate trade and commerce and punish with fine and imprisonment other people for doing the same thing and accomplishing the same result. That is why the committee reports the bill with these amendments. We did not believe it was right to make fish of one and fowl of another. We did not believe that the labor organizations upon more mature reflection would ask for that legislation. They did not even undertake to say that they wanted that result, and yet they wanted the bill.

The other proposition in the bill was that nothing should be held a conspiracy or denounced as the crime of conspiracy if the act when committed by one person would not be punishable as a crime. As to that, the very men who proposed this legislation admitted to me that they understood that a threat by an individual to injure a person was punishable as a crime, which it clearly is not. I asked them if they wanted to be authorized or permitted to organize to threaten to injure persons. They said no, and yet at the same time they desired legislation which would have permitted precisely that result.

Now, let me call attention just for a moment to the English legislation that has been cited as a precedent for the original bill. After reciting and providing substantially as is recited and provided in the bill, as first presented to the committee, the English act goes on to say:

Nothing in this section shall exempt from punishment any person guilty of a conspiracy for which a punishment is awarded by any act of Parliament.

I have not been able to find a representative of a labor organization or an attorney representing them or any of the learned men on this Judiciary Committee—I have not been able to find among any of them a single man who knows the limitations and restrictions that this clause puts upon the general language that they asked the committee to report to the House. The gentleman from Arkansas whom I desired to interrupt for a question, when he was making his speech, admitted to me that he did not know what the law of Parliament was in that respect.

Mr. TERRY. I admitted that I had not read all of them.

Mr. LITTLEFIELD. Now, let us see what the English statute says with reference to its limitations:

Nothing in this section shall exempt from punishment any persons guilty of a conspiracy for which a punishment is awarded by act of Parliament.

I say the gentleman from Arkansas admitted to me that he did not know what the effect of that proviso was.

Mr. TERRY. I admitted that I had not read all the acts of Parliament on the subject.

Mr. LITTLEFIELD. You admitted that you did not know what the limitations were. Without the knowledge of these limitations it is very clear that no one can tell what the effect of the English statute cited would be. It might on investigation prove to be very much narrowed in its operation. It is not a good precedent for the original bill which follows its literal language, with no suggestion of any qualification.

The SPEAKER. The time of the gentleman has expired, and debate is closed.

Mr. LITTLEFIELD. I hope I may have three minutes more.

Mr. OVERSTREET. I ask unanimous consent that the gentleman have three minutes more.

Mr. CLAYTON of Alabama. I object, Mr. Speaker, unless it is given to us.

Mr. LITTLEFIELD. You can take your three now.

Mr. FLEMING. I ask unanimous consent that there be three minutes on each side.

The SPEAKER. Will the gentleman from Georgia state his request again?

Mr. FLEMING. Mr. Speaker, I regret very much that the time was so limited that I could not discuss the merits of the case.

The SPEAKER. What is the request of the gentleman from Georgia?

Mr. FLEMING. That there be three minutes on a side for further discussion.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the time be extended three minutes on a side. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. FLEMING. Mr. Speaker, I regretted exceedingly the limited time prevented me from entering upon a discussion of the legal propositions contained in this matter as the gentleman has done. My time was so short that I could not do it. But upon the question of fact as to what the labor organizations of this country want, I would read a note from Mr. Fuller, representing the labor organizations to some extent; and Mr. Furuseth and Mr. Samuel Gompers, within the last ten minutes since the consideration of this bill, made a statement to the gentleman from Ohio [Mr. LENTZ] in these words: "We prefer the bill defeated rather than have it passed with these amendments."

Now, I do not believe that the Congress of the United States ought to ask any one particular class upon general legislation what they want. I believe we ought to determine what is best and pass it; but when a bill is brought here in their interest, and gentlemen get on the floor and demand it in the interest of labor, then surely if the representatives of labor say they would rather not have it in its mutilated form it is safe and proper for us to vote it down; and upon that statement I will ask gentlemen on this side to vote against this bill.

I asked the gentleman to allow us to have a separate vote on the amendments, and he objected. Mr. Fuller says he understood that he had an agreement with the gentleman from Maine that he would do all he could to allow a separate vote. I have a note now from Mr. Fuller, that has been brought in since the debate began, in which he states he understood that he had an agreement with the gentleman from Maine that there would be a separate vote.

Mr. Fuller is doubtless mistaken, because the gentleman from Maine by his mental training realizes more the importance of accurate statement than Mr. Fuller; but that was his (Mr. Fuller's) understanding. When I asked unanimous consent that we should have a separate vote we could have had it, but the gentleman from Maine was the only man who said no. The effect of voting for these amendments is to defeat the amendment adopted to the anti-trust bill last session. When we passed the anti-trust bill from the Judiciary Committee the last session an amendment was offered exempting labor organizations from the operation of that law.

Every member of this House, upon the final passage of the bill, with only one exception, voted for it, and only eight members of the entire House voted against the amendment itself. The vote led off with Mr. BABCOCK, chairman of the Republican committee. The gentleman from Maine voted against it. Any man in this House who voted to put that amendment on the anti-trust bill ought to vote against these amendments. But all this could have been avoided by allowing us to have a separate vote on the amendments to-day.

Mr. LITTLEFIELD. I can not, of course, undertake to say what was the understanding that Mr. Fuller had. All I can say with reference to an understanding with Mr. Fuller is, there were conversations and suggestions, but never any agreement that there should be a separate vote on the amendments.

I stated to Mr. Fuller just exactly what I have stated to the House, that I was acting under the directions of the committee and I should have to follow its instructions; and while I did object to the request of the gentleman from Georgia to have a separate vote taken, the gentleman very well knows from my previous statement that I made that objection under the instructions of the committee, and the gentleman very well knows that I could not stand here on this floor and violate the instructions of the committee. Now the gentleman—

Mr. FLEMING. Now, as a matter of parliamentary practice, we have unanimous consent every day for something of that sort.

Mr. LITTLEFIELD (continuing). I have stated why "the gentleman from Maine" objected to a separate vote on these amendments. The gentleman can have it go on record, but I simply want it to go on record also that "the gentleman from Maine" was acting for the committee and could not violate the instructions of his committee upon that question. That is exactly what I want understood.

Mr. FLEMING. Will the gentleman permit a question there?

Mr. LITTLEFIELD. I have but a minute.

Mr. FLEMING. Is it not a daily custom that unanimous consent is given—

The SPEAKER. The Chair must state that the gentleman from Georgia is not in order.



Mr. LITTLEFIELD. I state precisely my position. I stated that I called up this bill under the express instructions of the committee, and when the gentleman made his motion and requested a vote upon the amendments to this bill I objected and stated that I had no authority under the committee to permit such a vote, and that was in accordance with my instructions.

Now, I have only this further to suggest so far as the gentlemen interested in the bill are concerned: I expressly stated to Mr. Fuller that I would call up this bill to-day, and unless they desired us to call it up we would not do so. If he has changed his mind since Friday and Saturday and desires the measure voted down he has not so informed me, and each man must exercise his individual judgment as to what he will do when he comes to vote upon this proposition.

Here are the questions and here are the amendments and here are the conservative reasons given by the committee why they did not feel at liberty to concede to all the desires of the gentlemen who favor this legislation. The Judiciary Committee believe they have made some progress in the direction desired. We submit it for the consideration of this House because we believe it to be as far as we ought to go.

I have noticed the suggestion the gentleman has made as to the action of the Judiciary Committee on the part of the Senate. What view they may take of this I do not know. Each man, as I understand it, upon the Judiciary Committee, or as a member of the House, upon so important a proposition, so far-reaching in its scope and effect if adopted, will vote, I suppose, upon his individual judgment and as he believes to be right and proper, conservative and fair.

Mr. MOODY of Massachusetts. Before the gentleman sits down, will he yield for a question?

The SPEAKER. The Chair will state that the time of the gentleman from Maine has expired. Debate is closed, and the question is on suspending the rules and passing the bill with amendments reported by the committee.

Mr. FLEMING. Mr. Speaker, I ask unanimous consent that the patent omission to which reference has been made on the face of the bill be corrected by amendment, and that we be allowed to vote separately on each amendment which comes from the committee.

Mr. LITTLEFIELD. I suppose I may have authority to agree that the omission may be corrected; but the gentleman knows I have no authority to agree to a separate vote on the amendments.

Mr. FLEMING. Oh, that will not do; it can be done by unanimous consent. [Cries of "Regular order!"]

The SPEAKER. The question is on suspending the rules and passing the bill with the amendments.

The question was taken; and the Speaker stated that he was in doubt.

Mr. FLEMING. Mr. Speaker, do I understand that the amendment was made?

The SPEAKER. Objection was made.

Mr. FLEMING. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 54, nays 145, answered "present" 19, not voting 134; as follows:

## YEAS—54.

Alexander,	Curtis,	Hopkins,	Ray, N. Y.
Bailey, Kans.	Dalzell,	Jack,	Reeves,
Bishop,	Dayton,	Kerr, Ohio	Roberts,
Bowersock,	Emerson,	Lacey,	Smith, Iowa
Brick,	Esch,	Lanham,	Spalding,
Brosius,	Gardner, N. J.	Littlefield,	Steele,
Brownlow,	Gibson,	Loudenslager,	Stewart, N. Y.
Bull,	Graham,	Lybrand,	Taylor, Ohio
Burke, S. Dak.	Hall,	Mondell,	Van Voorhis,
Burkett,	Haugen,	Morris,	Vreeland,
Cannon,	Hawley,	Mudd,	Wright,
Capron,	Hepburn,	O'Grady,	Young,
Cochrane, N. Y.	Hill,	Overstreet,	
Crumpacker,	Hitt,	Payne,	

## NAYS—145.

Adamson,	Clayton, Ala.	Gaines,	Lawrence,
Allen, Ky.	Clayton, N. Y.	Gardner, Mich.	Lentz,
Allen, Me.	Cooper, Wis.	Glynn,	Lester,
Allen, Miss.	Corliss,	Gordon,	Lewis,
Atwater,	Cousins,	Graff,	Linney,
Ball,	Cowherd,	Green, Pa.	Little,
Bankhead,	Cromer,	Griffith,	Lloyd,
Barney,	Crowley,	Hamilton,	Long,
Bartholdt,	Cummings,	Heatwole,	McCulloch,
Bell,	Cushman,	Hedge,	McDowell,
Benton,	Davenport, S. W.	Henry, Miss.	McLain,
Berry,	Davis,	Henry, Tex.	Maddox,
Brantley,	De Armond,	Howell,	Marsh,
Breezeale,	Denny,	Johnston,	May,
Brownwell,	Dinsmore,	Jones, Va.	Mercer,
Brown,	Dougherty,	Jones, Wash.	Meyer, La.
Brundidge,	Finley,	Joy,	Miers, Ind.
Burke, Tex.	Fitzgerald, N. Y.	Kitchin,	Minor,
Burleigh,	Fleming,	Kleberg,	Moody, Mass.
Burleson,	Fletcher,	Knox,	Moody, Oreg.
Burton,	Fordney,	Lane,	Moon,
Clark,	Fox,	Latimer,	Morgan,

Morrell,	Rixey,	Slayden,	Thomas, Iowa
Needham,	Robb,	Smith, Ky.	Thropp,
Norton, Ohio	Robinson, Ind.	Smith, Samuel W.	Tongue,
Norton, S. C.	Rodenberg,	Smith, Wm. Alden	Turner,
Otjen,	Rucker,	Snodgrass,	Underwood,
Pearson,	Ruppert,	Sparkman,	Vandiver,
Pierce, Tenn.	Ryan, N. Y.	Spight,	Watson,
Phillips,	Ryan, Pa.	Sprague,	Williams, J. R.
Prince,	Salmon,	Stallings,	Williams, W. E.
Quarles,	Scudder,	Stark,	Williams, Miss.
Ransdell,	Shackleford,	Stephens, Tex.	Wilson, Idaho
Rhea, Ky.	Sheppard,	Stewart, Wis.	Zenor.
Richardson, Ala.	Showalter,	Talbert,	
Richardson, Tenn.	Sibley,	Tate,	
Riordan,	Sims,	Terry,	

## ANSWERED "PRESENT"—19.

Boutell, Ill.	Grosvenor,	Packer, Pa.	Southard,
Cochran, Mo.	Henry, Conn.	Ridgely,	Tawney,
Conner,	Jenkins,	Russell,	Weymouth,
Eddy,	Mann,	Smith, Ill.	Wheeler.
Gaston,	Olmsted,	Smith, H. C.	

## NOT VOTING—135.

Acheson,	Davidson,	Klutz,	Rhea, Va.
Adams,	De Graffenreid,	Lamb,	Robertson, La.
Aldrich,	Dick,	Landis,	Robinson, Nebr.
Babcock,	Dovener,	Lassiter,	Shafroth,
Bailey, Tex.	Driggs,	Levy,	Shattuc,
Baker,	Driscoll,	Littauer,	Shelden,
Barber,	Elliott,	Livingston,	Sherman,
Barham,	Faris,	Lorimer,	Small,
Bartlett,	Fitzgerald, Mass.	Loud,	Sperry,
Bellamy,	Fitzpatrick,	Lovering,	Stevens, Minn.
Bingham,	Foss,	McAleer,	Stewart, N. J.
Boreing,	Foster,	McCall,	Stokes,
Boutelle, Ma.	Fowler,	McCleary,	Sulloway,
Bradley,	Freer,	McClellan,	Sulzer,
Brenner,	Gamble,	McDemott,	Sutherland,
Brewer,	Gayle,	McRae,	Swanson,
Broussard,	Gilbert,	Mahon,	Taylor, Ala.
Burnett,	Gill,	Meekison,	Thayer,
Butler,	Gillet, N. Y.	Mesick,	Thomas, N. C.
Calderhead,	Gillett, Mass.	Metcalfe,	Tompkins,
Caldwell,	Greene, Mass.	Miller,	Underhill,
Campbell,	Griggs,	Muller,	Wachter,
Carmack,	Grout,	Naphen,	Wadsworth,
Catchings,	Grow,	Neville,	Wanger,
Chanler,	Hay,	Newlands,	Warner,
Connell,	Hemenway,	Noonan,	Waters,
Cooney,	Hoffecker,	Otey,	Weaver,
Cooper, Tex.	Howard,	Parker, N. J.	Weeks,
Cox,	Hull,	Pearce, Mo.	White,
Crump,	Jett,	Pearre,	Wilson, N. Y.
Cusack,	Kahn,	Polk,	Wilson, S. C.
Dahle,	Kerr, Md.	Powers,	Woods,
Davenport, S. A.	Ketcham,	Pugh,	Ziegler.
Davey,	King,	Reeder,	

So (two-thirds not voting in favor thereof) the motion of Mr. LITTLEFIELD to suspend the rules and pass the bill was rejected.

The following additional pairs were announced:

Until further notice:

Mr. SHERMAN with Mr. DRIGGS.

Mr. METCALF with Mr. WHEELER of Kentucky.

Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.

For this day:

Mr. EDDY with Mr. CARMACK.

Mr. HULL with Mr. HAY.

Mr. MANN with Mr. JETT.

Mr. BUTLER with Mr. RHEA of Virginia.

Mr. DOVENER with Mr. POLK.

Mr. BOUTELL of Illinois with Mr. GRIGGS.

Mr. FREER with Mr. ELLIOTT.

Mr. WOODS with Mr. NOONAN.

Mr. CANNON with Mr. MCRAE.

Mr. TAWNEY with Mr. DE GRAFFENREID.

On this vote:

Mr. LOUD with Mr. LIVINGSTON.

Mr. HEMENWAY with Mr. HOWARD.

Mr. WEYMOUTH with Mr. KING.

Mr. KAHN with Mr. COOPER of Texas.

Mr. CANNON. I desire to withdraw my vote and be recorded "present."

Mr. GASTON. I voted, but I now understand I am paired. I wish to withdraw my vote and be recorded "present."

The result of the vote was announced as above stated.

## BRIDGE OVER THE MISSISSIPPI RIVER AT ST. LOUIS.

Mr. RODENBERG. Mr. Speaker, I move to suspend the rules and pass House bill 11709 as reported by the Committee on Interstate and Foreign Commerce with several amendments, which are intended to make the bill conform to the recommendation of the War Department.

The SPEAKER. The gentleman from Illinois moves to suspend the rules and pass House bill 11709, with certain committee amendments and amendments which the gentleman himself will offer.

Mr. UNDERWOOD. Mr. Speaker, is it in order for the gentleman, under a motion to suspend the rules, to offer amendments other than committee amendments? That, I understand, is the gentleman's proposition as stated by the Chair.



The SPEAKER. The Chair will ask the gentleman from Illinois whether the amendments he proposes to offer have been authorized by the committee?

Mr. RODENBERG. There are committee amendments and there are some which have not been authorized by the committee, but—

The SPEAKER. The gentleman can only offer some proposition which he has been authorized by the committee to offer.

Mr. RODENBERG. These amendments are only designed to make the bill conform to the recommendation of the War Department. I ask unanimous consent—

Mr. UNDERWOOD. I was about to suggest that the gentleman ask unanimous consent. There may be no objection to his amendments. But I do not think the rule ought to be violated by entertaining the gentleman's motion without the consent of the House.

The SPEAKER. The Clerk will report the bill as amended by the committee, together with the amendment which the gentleman from Illinois desires to offer.

The bill as amended by the Committee on Interstate and Foreign Commerce was read, as follows:

A bill (H. R. 11789) amending an act entitled "An act authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county," approved March 3, A. D. 1897.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 1 of said act be amended to read as follows: "That the consent of Congress is hereby given to the East St. Louis and St. Louis Bridge and Construction Company, of the city of East St. Louis, of the county of St. Clair and State of Illinois, a corporation organized under the laws of the State of Illinois, its assigns, successors, grantees, mortgagees, representatives, and successors in interest, to build, own, operate, and maintain a bridge and approaches thereto, as hereinafter described, across the Mississippi River, from some point between the north line of St. Clair County, Ill., and the southwest line of said county to the city of St. Louis, State of Missouri: *Provided*, That the plan of said bridge be approved by the Secretary of War: *Provided also*, That said proposed bridge shall be constructed for the purpose of providing for the passage of wagons, vehicles, street cars, animals, and foot passengers, and shall, at the option of the said East St. Louis and St. Louis Bridge and Construction Company, be so constructed of sufficient strength and dimensions as to provide for the passage over it of railway, passenger, and freight trains and the accommodation of a track or tracks therefor, but in either event the piers of said bridge shall be built of sufficient strength to admit of the passage of railway, freight, and passenger trains over it, and said bridge shall be deemed and taken as a public highway for the purposes named only, subject to the provisions hereinafter set forth: *Provided also*, That street railway companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of cars over the same and over the approaches thereto, and in case the owner or owners of said bridge and the street railway companies, or any of them, desiring such use shall fail to agree upon the rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon hearing the allegations and proofs of the parties in question."

SEC. 2. That section 2 of said act be amended so as to read as follows: "That any bridge built under this act shall be a lawful structure and shall be recognized and known as a post route; that no charge shall be made for the transmission over the same of the mails, troops, and the munitions of war of the United States, and it shall enjoy the rights and privileges of other post roads in the United States; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies; and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes."

SEC. 3. That section 3 shall be so amended as to read as follows: "That in case the said bridge shall be built below the bridge heretofore constructed and known as the Eads Bridge it shall be built with an unbroken and continuous single span, and the lowest part of said span shall not be of less elevation in any case than 75 feet above the St. Louis city directrix; and in case the said bridge shall be built above the said Eads Bridge and immediately north thereof, with the piers of the same opposite those of the Eads Bridge, so that they may be continuous thereto, with three fixed channel spans giving the same clear width of waterway between piers as there is now between those of the Eads Bridge, and the said East St. Louis and St. Louis Bridge and Construction Company shall have the option of constructing said proposed bridge at or near the foot of Mullanphy street, in the city of St. Louis, but in that case there shall be at least three fixed channel spans, the west span to have a clear waterway of 565 feet and the other two channel spans to have a clear waterway of 525 feet, each measured at right angles to the current at any and all stages of water; and the lowest part of said spans shall not be of less elevation in any case than 50 feet above the St. Louis city directrix, plus the slope of the river from the foot of Walnut street, in the city of St. Louis, to the point where the bridge shall be built; and the piers of the said bridge shall be parallel with the current of the river: *Provided*, That all shore piers and bridge approaches shall be so located and constructed as not to interfere with the use of any existing railroad right of way, depot grounds, or railroad yards."

SEC. 4. That section 4 of said act shall read as follows: "That the piers of all high channel spans shall be built parallel with the current of the river at the stage of the water which is most important to navigation; and riprapping or any other protection for imperfect foundations which will materially lessen the waterway or which may injure navigation shall not be employed in the channel ways of the high spans, and any piers which will produce cross currents or bars dangerous to navigation shall not be constructed; and if, after construction, any piers or protection walls are found to produce the above-mentioned effects, the nuisance shall be abated or corrected by or at the expense of the persons owning said bridge; and the approaches to the channel span mentioned in this act shall provide sufficient waterway for the passage of floods."

SEC. 5. That section 5 of said act be so amended as to read as follows: "That the persons owning, controlling, or operating the bridge authorized by this act shall maintain, at their own expense, from sunset to sunrise throughout the year and during the heavy fogs, such lights or other signals as the Government Light-House Board shall prescribe, and shall also each day during the season of navigation have posted in a conspicuous place the clear head-room under the channel span on that day, the figures expressing this height

to be readily visible to the naked eye from any point in the channel of the river for a stretch of 4,000 feet, of which 3,000 feet shall be above and 1,000 feet shall be below the channel spans of the bridge."

SEC. 6. That section 6 of said act shall be amended to read as follows: "That no bridge shall be constructed, erected, or maintained under the authority of this act which shall at any time substantially or materially obstruct the navigation of said river; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, materially obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will obviate such obstruction; and all such alterations and changes shall be made and all obstructions removed at the expense of the persons owning or controlling such bridge; and in case of any litigation arising from any obstruction or alleged obstruction to the navigation of said river, caused or alleged to be caused by said bridge, the case shall be brought and tried in the circuit court of the United States for the southern district of Illinois."

SEC. 7. That section 7 of said act shall be so amended as to read as follows: "That the bridge authorized to be constructed under this act shall be built under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge and a map of the location, giving for a sufficient distance above and below the bridge the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the current at low, medium, and high water stages, and the soundings accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject, and until the said plan of the bridge is approved by the Secretary of War the bridge shall not be built; and should any changes be made in the plan of said bridge during the progress of the construction of the same such changes shall be subject to the approval of the Secretary of War."

SEC. 8. That section 8 of said act shall be amended to read as follows: "That in case the construction of the bridge authorized by this amendatory act shall not be commenced within one year and completed within three years from the date of the approval of this amendatory act, then Congress may declare the same null and void."

SEC. 9. That section 9 of said act shall be amended to read as follows: "That the principal reason for giving authority to build the bridge herein contemplated is declared to be to secure reasonable rates and tolls to that class of traffic described in section 1 of this act for the passage over the same, and to facilitate the transaction of business across the Mississippi River at the city of St. Louis."

SEC. 10. That section 10 of said act shall be amended to read as follows: "That said corporation may transport on said bridge and approaches thereto persons and property of the class prescribed herein, and may allow others so to do; and said bridge and approaches may be used for the transportation of all that class of persons and property described in this act, under such regulations as the board of directors or board of managers of said corporation or the parties owning the said bridge may prescribe. The corporation owning the said bridge may take, receive, and collect such rates and tolls for travel, passage, or transportation over said bridge and approaches as the directors of the corporation owning or controlling said bridge may from time to time fix and establish: *Provided*, That the rates charged for such travel, passage, or transportation shall not exceed the following, to wit: For each freight car, loaded or unloaded, \$3; for each passenger car, exclusive of the passengers riding therein, \$3; for each passenger over 5 years of age crossing in any passenger car, 15 cents; for each foot passenger over 5 years of age, 3 cents; for every person on horseback, including horse, 7 cents; for every gig, buggy, carriage, cart, or wagon drawn by 1 animal, 10 cents; for every buggy, carriage, cart, or wagon drawn by 2 animals, 20 cents; for every buggy, carriage, cart, or wagon drawn by 3 animals, 25 cents; for every buggy, carriage, cart, or wagon drawn by 4 animals, 30 cents; for every buggy, carriage, cart, or wagon drawn by more than 4 animals, 5 cents extra for each animal; for each head of cattle, horses, mules, or other animals other than those attached to vehicles, 10 cents; for each head of sheep or swine, 5 cents. In case said corporation owning or controlling said bridge shall operate a street-car line, or permit any street-car company to operate a street-car line on said bridge and approaches, the fare for a single passenger over said bridge for persons over 5 years of age shall not exceed 5 cents."

SEC. 11. That the right to alter, amend, or repeal this act is hereby expressly reserved.

SEC. 12. That all acts or parts of acts in conflict with this act are hereby repealed.

The following amendments proposed by Mr. RODENBERG were read:

After the word "of," in line 16, page 4, strike out "five hundred and sixty-five" and insert in lieu thereof "seven hundred."

In line 18, page 4, after the word "hundred," strike out "and twenty-five."

The SPEAKER. Without objection, the two amendments offered by the gentleman from Illinois, in accordance with the recommendation of the Chief of Engineers, will be included in his motion.

There was no objection.

The question being taken on suspending the rules and passing the bill with the amendments of the committee and the amendments offered by Mr. RODENBERG, it was agreed to, two-thirds voting in favor thereof.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 11603. An act granting an increase of pension to Sarah A. Dininny;

H. R. 3546. An act granting a pension to Caroline M. H. Searing;

H. R. 4963. An act granting an increase of pension to Charles E. Churchill;

H. R. 2396. An act granting an increase of pension to Francis H. Pike;

H. R. 4672. An act granting a pension to James W. Boden;

H. R. 6145. An act granting a pension to Benoni A. McConnell;

H. R. 12294. An act granting a pension to Lottie M. Rankins;

H. R. 9269. An act granting a pension to Olie Heaton;



H. R. 9370. An act granting a pension to Louis M. Starring;  
H. R. 9874. An act granting an increase of pension to Anna F. Johnson;  
H. R. 5224. An act granting an increase of pension to Daniel Smith;  
H. R. 4068. An act granting an increase of pension to Maria N. Flint;  
H. R. 5441. An act granting an increase of pension to Hugh Thompson;  
H. R. 8297. An act granting an increase of pension to Albert Buck;  
H. R. 3247. An act granting an increase of pension to George Mowry;  
H. R. 6997. An act granting an increase of pension to Josephine H. Whitehead;  
H. R. 9182. An act granting a pension to Eva K. Nyberg;  
H. R. 8190. An act granting a pension to Henry Miller;  
H. R. 9672. An act granting an increase of pension to Mary J. D. McGlensey;  
H. R. 10021. An act granting an increase of pension to John R. Robinson;  
H. R. 8106. An act granting a pension to Olivia Donathy;  
H. R. 9914. An act granting a pension to Almira A. Scott;  
H. R. 12391. An act granting an increase of pension to James M. Campbell;  
H. R. 6787. An act granting an increase of pension to Edwin A. Wilson;  
H. R. 9787. An act granting a pension to Marion M. Stone;  
H. R. 11335. An act granting an increase of pension to Silas Howard;  
H. R. 6319. An act granting an increase of pension to George W. Cox;  
H. R. 8525. An act granting an increase of pension to Maurice Fitzgerald;  
H. R. 12476. An act granting an increase of pension to Samuel Minnich;  
H. R. 9903. An act granting an increase of pension to Henry B. Shell;  
H. R. 2085. An act granting a pension to Jane A. E. Womack;  
H. R. 7617. An act granting an increase of pension to Rebecca Tolson;  
H. R. 2595. An act granting an increase of pension to William C. Griffin;  
H. R. 9023. An act granting an increase of pension to Mary E. Dobyns;  
H. R. 4078. An act granting an increase of pension to John D. Allen;  
H. R. 11312. An act granting an increase of pension to Johnson H. Fitzpatrick;  
H. R. 12249. An act granting an increase of pension to Gideon Johnson;  
H. R. 3871. An act granting a pension to William J. Worthington;  
H. R. 5336. An act granting an increase of pension to William S. Swaney;  
H. R. 10792. An act granting an increase of pension to John T. Knox;  
H. R. 11836. An act granting an increase of pension to Bela Sawyer;  
H. R. 12566. An act granting a pension to George M. Walker;  
H. R. 5195. An act granting an increase of pension to Jacob W. Kouts;  
H. R. 11507. An act granting an increase of pension to Perry C. Jeffrey;  
H. R. 12577. An act granting a pension to Sarah B. Schaeffer;  
H. R. 6914. An act granting an increase of pension to Elliott Loomis;  
H. R. 3945. An act granting an increase of pension to Burdette N. Cleaveland;  
H. R. 9235. An act granting a pension to Peter Lundberg;  
H. R. 10118. An act granting an increase of pension to Mary Flynn;  
H. R. 7243. An act to remove the charge of desertion from the military record of Silas Nicholson, late a private in Company F, Fifty-fourth Regiment Pennsylvania Volunteers;  
H. R. 2464. An act to remove the charge of desertion from the military record of Nicholas Swingle;  
H. R. 12350. An act granting an increase of pension to James Paul;  
H. R. 12516. An act granting an increase of pension to Edward Warner;  
H. R. 12444. An act granting an increase of pension to John D. Cohler;  
H. R. 7810. An act granting an increase of pension to Robert P. Currin;  
H. R. 12297. An act granting an increase of pension to Andrew J. Harbison;

H. R. 12490. An act granting an increase of pension to Andrew J. West;  
H. R. 11658. An act granting an increase of pension to Mary J. Nelson;  
H. R. 3232. An act granting an increase of pension to David Flinn;  
H. R. 5613. An act granting an increase of pension to Louis Nessel;  
H. R. 633. An act granting an increase of pension to Vianna Mallard;  
H. R. 8001. An act granting a pension to Sampson D. Bridgman;  
H. R. 6407. An act granting an increase of pension to Michael S. Brockett;  
H. R. 12411. An act granting a pension to Catherine T. Howell;  
H. R. 5303. An act granting a pension to Julia A. Prouty;  
H. R. 12301. An act granting an increase of pension to Jacob E. Swap;  
H. R. 1148. An act granting an increase of pension to Isaac D. Toll;  
H. R. 9536. An act granting a pension to Sarah Hastings, formerly Sarah Carter;  
H. R. 5599. An act granting an honorable discharge to James L. Proctor;  
H. R. 5374. An act to pay H. P. Dyer for carrying mail;  
H. R. 11187. An act granting a pension to James W. Russell;  
H. R. 3078. An act granting an increase of pension to Amanda W. Clancy;  
H. R. 6148. An act granting an increase of pension to William M. Tom;  
H. R. 13193. An act to authorize the Director of the Census to make payments for information concerning cotton gins, and for other purposes;  
H. R. 7840. An act for the establishment of a light-house and fog signal at Point No Point, in Chesapeake Bay, between Cove Point and Smiths Point;  
H. R. 1889. An act for the relief of the trustees of Holston Seminary, at Newmarket, Tenn.;  
H. R. 13731. An act to provide an American register for the steamer *Enterprise*;  
H. R. 11110. An act to authorize the Mobile and West Alabama Railroad Company to construct and maintain a bridge across the Warrior River between the counties of Walker and Jefferson, in section 35, township 17, range 7 west, Alabama;  
H. R. 11111. An act to authorize the Mobile and West Alabama Railroad Company to construct and maintain a bridge across the Tombigbee River between the counties of Marengo and Choctaw, below Demopolis, Ala.;  
H. J. Res. 285. Joint resolution providing for the printing annually of the Report on Field Operations of the Division of Soils, Department of Agriculture;  
H. R. 9066. An act granting an increase of pension to Joseph N. Loving;  
H. R. 551. An act granting an increase of pension to Frank F. Carnduff;  
H. R. 6921. An act granting an increase of pension to Gustav Rienecker;  
H. R. 11158. An act granting a pension to Daniel Palmatary;  
H. R. 8998. An act granting an increase of pension to Alexander F. Hartford;  
H. R. 11806. An act granting an increase of pension to Edward Hause;  
H. R. 6552. An act granting an increase of pension to Abram P. Pew;  
H. R. 4813. An act granting a pension to Taylor Hux;  
H. R. 12778. An act granting a pension to Adoniram J. Holmes;  
H. R. 5524. An act granting an increase of pension to Richard P. Mitchell;  
H. R. 12241. An act granting an increase of pension to Franklin Warren;  
H. R. 10358. An act granting a pension to Elizabeth J. Jones;  
H. R. 11452. An act granting a pension to Nettie L. Bliss;  
H. R. 4357. An act granting a pension to Jakobina Halbertsma;  
H. R. 601. An act granting an increase of pension to Daniel W. Shaw;  
H. R. 10480. An act granting an increase of pension to George P. Overton;  
H. R. 12190. An act granting an increase of pension to Patrick Connelly;  
H. R. 5198. An act granting an increase of pension to Samuel S. Stafford;  
H. R. 10055. An act granting an increase of pension to Frederick G. McDowell;  
H. R. 12250. An act granting an increase of pension to Patrick Brennan;  
H. R. 4906. An act granting a pension to Ellen Quinn;  
H. R. 13120. An act granting an increase of pension to Albert L. Duddleson;



H. R. 5614. An act granting a pension to Virginia R. Friedeborn;  
 H. R. 12491. An act granting an increase of pension to Robert H. Metcalf;  
 H. R. 3466. An act granting a pension to Hiram Stimple;  
 H. R. 12710. An act granting an increase of pension to William H. Simmonds;  
 H. R. 1235. An act granting an increase of pension to Chamness S. Burks;  
 H. R. 11277. An act granting an increase of pension to Thomas A. Cord;  
 H. R. 7315. An act granting an increase of pension to William W. King;  
 H. R. 11812. An act granting an increase of pension to Daniel E. Turner;  
 H. R. 13237. An act granting a pension to Jacob Hoerr;  
 H. R. 13236. An act granting an increase of pension to James Barton;  
 H. R. 13133. An act granting a pension to Joseph V. Hoffecker;  
 H. R. 9005. An act granting an increase of pension to William W. Schooley;  
 H. R. 11145. An act granting a pension to William C. Chandler;  
 H. R. 10564. An act granting an increase of pension to James R. Husted;  
 H. R. 11395. An act granting a pension to Sarah J. Binnix;  
 H. R. 12142. An act granting an increase of pension to William B. Wright;  
 H. R. 12433. An act granting an increase of pension to Ferdinand Wagner;  
 H. R. 12473. An act granting an increase of pension to E. Bradford Gay;  
 H. R. 12606. An act granting an increase of pension to Marcus A. Lothrop;  
 H. R. 13204. An act granting an increase of pension to Henry H. Brown;  
 H. R. 13593. An act granting an increase of pension to Lewis W. Phillips;  
 H. R. 13123. An act granting an increase of pension to Charles Hawkins;  
 H. R. 12696. An act granting a pension to John B. Frisbee;  
 H. R. 9218. An act granting an increase of pension to George W. Hissey;  
 H. R. 12184. An act granting an increase of pension to Thomas Jefferson Holmes;  
 H. R. 12826. An act granting an increase of pension to Charles H. Knapp;  
 H. R. 10871. An act granting an increase of pension to Mary A. Brown;  
 H. R. 3949. An act granting a pension to Minnie Gray;  
 H. R. 365. An act granting a pension to Aries Butcher;  
 H. R. 13312. An act granting an increase of pension to Albert Foster; and  
 H. R. 12441. An act granting an increase of pension to Aaron R. Rohrbach.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 5745. An act granting an increase of pension to Thomas Starratt;  
 S. 5008. An act granting a pension to David Pollock;  
 S. 5085. An act to correct the military record of H. A. White;  
 S. 4888. An act granting an increase of pension to George W. McComb;  
 S. 5681. An act granting an increase of pension to Merit C. Welsh;  
 S. 5186. An act granting a pension to Mary McLaughlin;  
 S. 5869. An act granting an increase of pension to Martin Rodman;  
 S. 5868. An act granting an increase of pension to Hubert Bascombe;  
 S. 4496. An act granting a pension to Emma McLaughlin;  
 S. 5930. An act granting an increase of pension to Nannie S. White;  
 S. 4529. An act granting an increase of pension to Benjamin G. Sargent;  
 S. 3445. An act granting an increase of pension to Catharine W. Clarke;  
 S. 5375. An act granting an increase of pension to Jason Leighton;  
 S. 3141. An act granting an increase of pension to Clara A. Penrose;  
 S. 1866. An act granting a pension to Laura S. Picking;  
 S. 5779. An act granting an increase of pension to George Farne;  
 S. 5782. An act granting a pension to Emma R. Pawling;  
 S. 5184. An act granting a pension to Penelope E. Russ;  
 S. 5939. An act granting an increase of pension to Caroline Mischler;

S. 5315. An act granting an increase of pension to John W. Fellows;  
 S. 5246. An act granting a pension to Hiram H. Kingsbury;  
 S. 5870. An act granting an increase of pension to William Nichol;  
 S. 3801. An act to remove the charge of desertion against David A. Lane;  
 S. 5912. An act granting a pension to Katherine J. Gilman;  
 S. 5592. An act granting a pension to May D. Liscum;  
 S. 5842. An act granting a pension to Jemima McClure;  
 S. 5578. An act granting a pension to Esther F. Moody;  
 S. 5562. An act granting an increase of pension to Mary Taylor;  
 S. 4875. An act granting an increase of pension to George Fowler;  
 S. 5752. An act granting an increase of pension to Franklin B. Delany;  
 S. 5834. An act granting an increase of pension to Enoch A. White;  
 S. 5856. An act granting an increase of pension to Etta Adair Anderson;  
 S. 5690. An act granting a pension to Mabel H. Lazear;  
 S. 5080. An act granting an increase of pension to James T. Chalfant;  
 S. 3087. An act granting an increase of pension to Marcia M. Merritt;  
 S. 1647. An act granting a pension to John Canty;  
 S. 4084. An act granting an increase of pension to Mary E. Pillow;  
 S. 1755. An act granting a pension to John M. Core;  
 S. 4188. An act granting an increase of pension to George B. Cock;  
 S. 5619. An act granting a pension to Charlotte H. Race;  
 S. 5723. An act granting an increase of pension to Harrison T. De Long;  
 S. 4255. An act granting an increase of pension to Frank Smith;  
 S. 5410. An act granting an increase of pension to George M. Emery;  
 S. 4933. An act granting a pension to Louisa A. Crosby;  
 S. 5747. An act granting a pension to Helen A. B. Du Barry;  
 S. 5422. An act granting a pension to S. Josie Hill;  
 S. 4127. An act granting an increase of pension to Simeon Pierce;  
 S. 4745. An act granting an increase of pension to Charles S. Word;  
 S. 5333. An act granting a pension to Theopolis Goodwin;  
 S. 5010. An act granting a pension to Thomas E. Clark;  
 S. 5647. An act granting a pension to Rebecca Dobbins;  
 S. 5356. An act granting a pension to Sarah Frances Taft;  
 S. 4733. An act granting a pension to Caroline H. Allen;  
 S. 1308. An act granting a pension to Frederick S. Chamberlain;  
 S. 5265. An act granting an increase of pension to Etta Scott Mitchell;  
 S. 4899. An act granting an increase of pension to Rhoda A. Bradshaw;  
 S. 2628. An act granting a pension to Kate Pearce;  
 S. 1915. An act granting a pension to Catherine Meade;  
 S. 5550. An act granting an increase of pension to Henry B. Schroeder;  
 S. 4031. An act granting an increase of pension to Jonas M. McCoy;  
 S. 5402. An act granting a pension to Sarah McCord;  
 S. 5236. An act granting an increase of pension to Dennis Hannifin;  
 S. 2237. An act setting apart certain public grounds in the city of Washington for the use of the National Society of the Daughters of the American Revolution for the erection of a memorial building; and  
 S. 5936. An act to authorize the Portland, Nehalem and Tillamook Railway Company to construct a bridge across Nehalem Bay and River, in the State of Oregon.

The message also announced that the Senate had passed, with amendments, bills of the following titles; in which the concurrence of the House was requested:

H. R. 2692. An act granting an increase of pension to Louisa N. Godfrey;  
 H. R. 12616. An act granting an increase of pension to Nancy T. Hardy;  
 H. R. 2623. An act granting a pension to Melville Oliphant;  
 H. R. 3825. An act to grant an honorable discharge to Frederick A. Noeller;  
 H. R. 12526. An act granting an increase of pension to Alexander C. Scott;  
 H. R. 13134. An act granting an increase of pension to William P. Rucker;  
 H. R. 13782. An act to amend section 4427, Title LII, of the Revised Statutes, relating to inspection of hulls and boilers;  
 H. R. 13635. An act to authorize the construction of a bridge



across Little River, at or near mouth of Big Lake, State of Arkansas;

H. R. 4742. An act to amend section 1225 of Revised Statutes so as to provide for detail of retired officers of the Army and Navy to assist in military instruction in schools;

H. R. 10869. An act for the relief of the Medawakanton band of Sioux Indians residing in Redwood County, Minn.;

H. R. 8658. An act granting an increase of pension to Edwin G. Fay;

H. R. 13067. An act to enlarge the powers of the courts of the District of Columbia in cases involving delinquent children, and for other purposes;

H. R. 2430. An act for the relief of Jacob L. Hanger;

H. R. 8067. An act to incorporate the National Society of United States Daughters of 1812;

H. R. 12415. An act granting an increase of pension to Carrie Otis Wallace;

H. R. 10706. An act granting a pension to Flora Moore;

H. R. 12079. An act granting an increase of pension to Benjamin T. Thomas;

H. R. 11583. An act granting an increase of pension to Jerome R. Rowley; and

H. R. 429. An act granting an increase of pension to John R. Joy.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 9140) providing that entrymen under the homestead laws who have served in the United States Army, Navy, or Marine Corps during the Spanish war or the Philippine insurrection shall have certain service deducted from the time required to perfect title under homestead laws, and for other purposes, had agreed to the conference asked by the House and had appointed Mr. HANSBROUGH, Mr. CARTER, and Mr. BERRY as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolutions; in which the concurrence of the House was requested:

Senate concurrent resolution 105.

*Resolved by the Senate (the House of Representatives concurring).* That there be printed 15,000 additional copies of volume 2 of the Annual Report of the American Historical Association for 1899, being the correspondence of John C. Calhoun, of which 5,000 copies shall be for the use of the Senate and 10,000 copies for the use of the House of Representatives.

Senate concurrent resolution 106.

*Resolved by the Senate (the House of Representatives concurring).* That the President be requested to return to the Senate the bill of the Senate (No. 1203) granting an increase of pension to Lewis S. Horsey.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5010. An act granting a pension to Thomas E. Clark—to the Committee on Invalid Pensions.

S. 5080. An act granting an increase of pension to James T. Chalfant—to the Committee on Invalid Pensions.

S. 5236. An act granting an increase of pension to Dennis Hanifin—to the Committee on Invalid Pensions.

S. 5315. An act granting an increase of pension to John W. Fellows—to the Committee on Invalid Pensions.

S. 5383. An act granting a pension to Theophilus Goodwin—to the Committee on Invalid Pensions.

S. 5402. An act granting a pension to Sarah McCord—to the Committee on Pensions.

S. 5410. An act granting an increase of pension to George M. Emery—to the Committee on Invalid Pensions.

S. 5422. An act granting a pension to S. Josie Hill—to the Committee on Invalid Pensions.

S. 5550. An act granting an increase of pension to Henry B. Schroeder—to the Committee on Pensions.

S. 5562. An act granting an increase of pension to Mary Taylor—to the Committee on Invalid Pensions.

S. 5578. An act granting a pension to Esther F. Moody—to the Committee on Invalid Pensions.

S. 5592. An act granting a pension to May D. Liscum—to the Committee on Pensions.

S. 5619. An act granting a pension to Charlotte H. Race—to the Committee on Invalid Pensions.

S. 5647. An act granting a pension to Rebecca Dobbins—to the Committee on Invalid Pensions.

S. 5723. An act granting an increase of pension to Harrison T. De Long—to the Committee on Invalid Pensions.

S. 5745. An act granting an increase of pension to Thomas Starat—to the Committee on Pensions.

S. 5008. An act granting a pension to David Pollock—to the Committee on Invalid Pensions.

S. 4888. An act granting an increase of pension to George W. McComb—to the Committee on Invalid Pensions.

S. 5681. An act granting an increase of pension to Merit C. Welsh—to the Committee on Invalid Pensions.

S. 5186. An act granting a pension to Mary McLaughlin—to the Committee on Pensions.

S. 4529. An act granting an increase of pension to Benjamin G. Sargent—to the Committee on Invalid Pensions.

S. 3445. An act granting an increase of pension to Catharine W. Clarke—to the Committee on Invalid Pensions.

S. 5375. An act granting an increase of pension to Jason Leigh-ton—to the Committee on Invalid Pensions.

S. 5779. An act granting an increase of pension to George Farne—to the Committee on Invalid Pensions.

S. 5782. An act granting a pension to Emma R. Pawling—to the Committee on Invalid Pensions.

S. 5184. An act granting a pension to Penelope E. Russ—to the Committee on Pensions.

S. 4142. An act for the purchase of a replica of the bronze equestrian statue of Gen. George Washington by Daniel Chester French and Edward C. Potter—to the Committee on the Library.

S. 5752. An act granting an increase of pension to Franklin B. Delany—to the Committee on Invalid Pensions.

S. 5834. An act granting an increase of pension to Enoch A. White—to the Committee on Invalid Pensions.

S. 5842. An act granting a pension to Jemima McClure—to the Committee on Invalid Pensions.

S. 5856. An act granting an increase of pension to Etta Adair Anderson—to the Committee on Pensions.

S. 5870. An act granting an increase of pension to William Nichol—to the Committee on Invalid Pensions.

S. 5939. An act granting an increase of pension to Caroline Mischler—to the Committee on Invalid Pensions.

S. 4031. An act granting an increase of pension to Jonas M. McCoy—to the Committee on Invalid Pensions.

S. 4084. An act granting an increase of pension to Mary E. Pillow—to the Committee on Pensions.

S. 4127. An act granting an increase of pension to Simeon Pierce—to the Committee on Pensions.

S. 4188. An act granting an increase of pension to George B. Cock—to the Committee on Invalid Pensions.

S. 4733. An act granting a pension to Caroline N. Allen—to the Committee on Invalid Pensions.

S. 4745. An act granting an increase of pension to Charles S. Word—to the Committee on Pensions.

S. 4875. An act granting an increase of pension to George Fowler—to the Committee on Invalid Pensions.

S. 4899. An act granting an increase of pension to Rhody Ann Bradshaw—to the Committee on Pensions.

S. 2237. An act setting apart certain public grounds in the city of Washington for the use of the National Society of the Daughters of the American Revolution for the erection of a memorial building—to the Committee on Public Buildings and Grounds.

Senate concurrent resolution 105—

*Resolved by the Senate (the House of Representatives concurring).* That there be printed 15,000 additional copies of volume 2 of the Annual Report of the American Historical Association for 1899, being the correspondence of John C. Calhoun, of which 5,000 copies shall be for the use of the Senate and 10,000 copies for the use of the House of Representatives—

to the Committee on Printing.

Senate concurrent resolution 107—

*Resolved by the Senate (the House of Representatives concurring).* That there be printed 14,000 copies of the general summary entitled Review of the World's Commerce for the year 1900, of which 3,000 shall be for the use of the Senate, 6,000 for the use of the House of Representatives, and 5,000 for the use of the Department of State; and 8,000 copies of Commercial Relations of the United States for the year 1900, including the general summary, of which 2,000 shall be for the use of the Senate, 4,000 for the use of the House of Representatives, and 2,000 for the use of the Department of State—to the Committee on Printing.

S. R. 158. Joint resolution ratifying agreement between Tennessee and Virginia with reference to the boundary line of said States—to the Committee on the Judiciary.

H. R. 7571. An act to prevent the failure of military justice, and for other purposes, with an amendment—to the Committee on Military Affairs.

#### ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 3376. An act for the relief of Franklin Lee and Charles F. Dunbar;

H. R. 9154. An act granting authority to Alafia, Manatee and Gulf Coast Railroad Company to build railroad bridge across the Manatee River and Gasparilla Sound and to lay railroad tracks thereon;

H. R. 3599. An act for the relief of Lewis M. Millard;

H. R. 7840. An act for the establishment of a light-house and fog signal at Point No Point, in Chesapeake Bay, between Cove Point and Smiths Point;

H. R. 13706. An act regulating assessments for water mains in the District of Columbia;



H. R. 321. An act for the relief of legal representative of Samuel Tewksbury, deceased;

H. R. 10700. An act to confirm a lease with the Seneca Nation of Indians;

H. R. 3206. An act to correct the naval record of Thomas Dunn;

H. R. 13633. An act to amend section 4472 of the Revised Statutes so as to permit the transportation by steam vessels of gasoline and other products of petroleum when carried by motor vehicles (commonly known as automobiles) when used as source of motive power; and

H. R. 5324. An act for the relief of employees of William M. Jacobs.

#### AMENDMENT TO LAND LAWS.

Mr. LACEY. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 12901 as amended.

The SPEAKER. The gentleman from Iowa moves to suspend the rules and pass a bill which the Clerk will report.

The bill was read, as follows:

A bill (H. R. 12901) to supplement existing laws relating to the disposition of lands, etc.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That before the time for opening to settlement or entry of any of the lands in the Territory of Oklahoma, respectively ceded to the United States by the Wichita and affiliated bands of Indians, and the Comanche, Kiowa, and Apache tribes of Indians, under agreements respectively ratified by the acts of March 2, 1895, and June 6, 1900, it shall be the duty of the President to subdivide the same into such number of counties as will, for the time being, best subserve the public interests, and to designate the place for the county seat of each county, and to set aside and reserve at such county seat, for disposition as herein provided, 320 acres of land. The lands so set apart and designated shall, in advance of the opening, be surveyed, subdivided, and platted, under the direction of the Secretary of the Interior, into appropriate lots, blocks, streets, alleys, and sites for parks or public buildings, so as to make a town site thereof: *Provided,* That no person shall purchase more than one business and one residence lot. Such town lots shall be offered and sold at public auction to the highest bidder, under the direction of the Secretary of the Interior, at sales to be had at the opening and subsequent thereto. The receipts from the sale of these lots in the respective county seats shall, after deducting the expenses incident to the surveying, subdividing, platting, and selling of the same, be disposed of under the direction of the Secretary of the Interior in the following manner: A court-house shall be erected therewith at such county seat at a cost of not exceeding \$10,000, and the residue shall be applied to the construction of bridges, roads, and such other public improvements as the Secretary of the Interior shall deem appropriate, including the payment of all expenses actually necessary to the maintenance of the county government until the time for collecting county taxes in the calendar year next succeeding the time of the opening. No indebtedness of any character shall be contracted or incurred by any of said counties prior to the time for collecting county taxes in the calendar year next succeeding the opening, excepting where the same shall have been authorized by the Secretary of the Interior.

SEC. 2. The governor of the Territory shall appoint and commission for each county all county and township officers made necessary by the laws of the Territory of Oklahoma, who shall hold their respective offices until the officers elected by the people at the general election next following the opening shall have qualified.

SEC. 3. The President is hereby authorized to establish two additional United States land districts and land offices in the Territory of Oklahoma, which districts shall include the lands so ceded by the Wichita and affiliated bands of Indians. One of the land offices shall be located at El Reno, in the county of Canadian, and the other shall be located at the county seat nearest Fort Sill. These land districts shall be respectively established at the time of proclaiming the lands aforesaid open to settlement and entry.

The SPEAKER. Is a second demanded?

Mr. RICHARDSON of Tennessee. I demand a second.

Mr. LACEY. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Iowa asks unanimous consent that a second be considered as ordered. Is there objection? There was no objection.

The SPEAKER. The gentleman from Iowa and the gentleman from Tennessee have twenty minutes each. The gentleman from Iowa.

Mr. LACEY. I think the House ought to have a few words of explanation of this bill. This is practically the last chapter in a series of legislative acts necessary to open up for settlement about 2,000,000 acres of land in Oklahoma. The appropriation has been made, the land has been surveyed, the allotments are nearly all completed, and the completion will occur perhaps some time in July next.

It must be done before August 6. It is necessary, in order finally to open up the lands, that there be land offices provided, counties established, and county seats located. This bill was called up on a request for unanimous consent some days ago, and objection was made by the gentleman from Texas [Mr. STEPHENS]. In offering this bill I have inserted amendments which, I understand, are satisfactory to him, and which have met the approval of the gentleman from Oklahoma [Mr. FLYNN], who offered the bill before.

Mr. WILLIAMS of Mississippi. Is this a peace offering between these two gentlemen?

Mr. LACEY. I hope so. I would like to say, further, that this bill provides that the town sites shall be laid out and sold at auction instead of being put up at a foot race or a horse race, as heretofore.

Mr. PAYNE. Will the gentleman tell us what these amendments are? Some of the rest of us may want to know.

Mr. LACEY. The bill has been read as amended.

Mr. PAYNE. I know; but that does not point out the amendment.

Mr. LACEY. The main difference between this bill and the bill that was offered the other day is that the other bill had a provision in it by which a man who had joined in the Oklahoma race some years ago and had succeeded in getting a quarter section of land, and had subsequently commuted and paid for the same, might take another quarter section now if he was otherwise eligible and had no homestead.

That section has been stricken out, so that those men who have had one opportunity to obtain a quarter section of land under the homestead law will have no further chance, so far as this land is concerned. In my opinion that is a wise amendment, because there are plenty of men to take the land without thus enlarging the scope of those who would be eligible so as to include men who had already had one such advantage.

Another amendment in the bill provides that the officers temporarily chosen to perform the business of the new counties shall be appointed by the governor instead of by the Secretary of the Interior. It was thought by some persons that the Secretary of the Interior might possibly appoint "by and with the advice and consent of the Delegate." At least, a suspicion of that kind seemed to prevail, and some of these parties seemed to prefer the governor. The Delegate, with the becoming modesty that has always characterized his action, has yielded to this amendment, substituting the governor for the Secretary of the Interior.

The bill provides that the proceeds of the sales of the town lots shall go into the county fund for the building of bridges and court-houses. This is a great improvement over the previous laws under which other parts of Oklahoma have been opened.

Mr. GAINES. You say these funds will be applied to the building of bridges. Will they be applied to the improvement of streets also?

Mr. LACEY. The bridges and court-houses will no doubt consume all the receipts, and so far as streets are concerned there is no trouble, because the soil in Oklahoma is of that character and the land lies so that the construction of streets is not a very expensive thing.

Mr. GAINES. I am very glad to hear that.

Mr. LACEY. One other suggestion. Another amendment prohibits any man from buying more than one business and one residence lot. I believe those are all the changes from the bill as read the other day. I reserve the remainder of my time.

The SPEAKER. Does the gentleman from Tennessee [Mr. RICHARDSON] desire to occupy any time?

Mr. MADDOX. The gentleman from Tennessee has yielded to me. I yield five minutes to the gentleman from Texas [Mr. STEPHENS].

Mr. STEPHENS of Texas. Mr. Speaker, when this bill was under consideration two weeks ago I objected to it for the reason that the fourth section of the bill provided that certain persons living in Oklahoma who had secured homesteads there should be entitled, under the wording of this bill, to secure other homestead rights in these Indian reservations. I thought that was unjust, and it has been agreed to eliminate that section.

I introduced a bill, and it is now before the Committee on the Public Lands (but has not been reported to the House), embodying my view of what was necessary; but as this bill is here now for consideration, and as it appears that some legislation is necessary in order to open these reservations for settlement, I have consented to support this bill with the amendments I have suggested, as stated by the gentleman from Iowa [Mr. LACEY]. One of those amendments is to the effect that the town lots to be laid off in the various county seats in these reservations shall be sold, but that only one residence lot and one business lot can be purchased by any one individual. The reason that I have suggested this amendment is that a rich person or a syndicate might have purchased all of the lots in an entire town. This amendment prevents this and will permit each settler to purchase a lot for business purposes and a homestead lot, and no more.

Another amendment I have suggested is that the governor of Oklahoma can now appoint the county officers in that country instead of the Secretary of the Interior doing it. I believe in home rule, and therefore I objected to the Secretary of the Interior appointing officers for the counties in Oklahoma. I think that Oklahoma is quite capable of taking care of herself in that matter.

Mr. SHEPPARD. How about county seats?

Mr. STEPHENS of Texas. The county seats are to be selected by the allotting agents, under the direction of the Secretary of the Interior. There will be, I presume, three or four county seats in these reservations. This bill further provides that there shall be two land offices laid off. There is no land offices there now nearer than Oklahoma City, 75 miles from the reservations, and there will be two districts laid off with a land office in each district, so that the settlers can get to the land offices with the least inconvenience to themselves.

One of the land offices will be in the Kiowa and Comanche Res-



ervation at the county seat nearest to Fort Sill. The other will be at Elreno, a very convenient point to the Wichita Reservation, which will also be opened at the same time. I understand that there are now hundreds of people around these reservations intending to go in there as settlers, and it is necessary that provision be made for these land offices, and unless this bill or some similar bill passes it is feared that the country will not be opened up on the 6th of August, or before that time, as we provided by the bill that was passed here last year.

I think that the settlers should select their lands by drawing for their choice similar to the way we select our seats in this House, but this method can and probably will be adopted by the President. This bill, with the amendments I have suggested, which amendments have been agreed to, is the best bill we can get under the circumstances. This bill provides that the nearest county seat to the center of the reservations shall be the land office.

Mr. SLAYDEN. It does not put it at Guthrie.

Mr. STEPHENS of Texas. No; one will be at Elreno and the other will be near Fort Sill, which is near the center of the Comanche and Kiowa reservations.

That is all I care to say. I yield back my time.

Mr. MADDOX. As I understand, you provide in the bill for selling town sites, and under the amendment you propose to limit the purchase by any one man to one town lot. Is that it?

Mr. LACEY. One for business purposes and one residence lot.

Mr. MADDOX. How is this land to be allotted?

Mr. LACEY. The allotments are to the Indians, and the balance will be opened under the homestead law. But if the town lots are taken without any compensation, the result would be that individuals would get the benefit of the unearned increment, whatever it may be; but under this amendment they will be sold and the value of the town lots will go to the counties, to be used for county purposes.

Mr. MADDOX. Are you going to have a lottery, or are you going to have a race for this land?

Mr. LACEY. That is not settled in this bill. My friend from Texas [Mr. STEPHENS] has offered a separate bill providing for a lottery or drawing instead of a race.

Mr. STEPHENS of Texas. I would correct the gentleman—

Mr. LACEY. I am inclined to favor the gentleman's proposition, and if it had come in in time perhaps it might have been incorporated into this bill. I hope the Senate will consider it and see if an arrangement can be made, and the races heretofore taking place in other reservations be done away with.

Mr. MADDOX. How much does the Government pay for this land?

Mr. LACEY. It was paid for long ago.

Mr. MADDOX. How much was paid for it?

Mr. LACEY. I do not recollect the exact amount.

Mr. CURTIS. About \$2,000,000, or between 90 cents and a dollar an acre.

Mr. LACEY. About 66½ cents per acre, or 90 cents after considering the Indian allotments. The locators of this property have to homestead it, but they are also required to pay a dollar and a quarter an acre for it. They must make settlement as on an ordinary homestead, but are required within the five years' limitation to pay the price which I have stated.

Mr. Speaker, I yield two minutes to the Delegate from Oklahoma.

Mr. FLYNN. Mr. Speaker, I regret exceedingly the unpleasantness that arose some time ago about this bill. There are some amendments now which I very reluctantly consent to, but which I hope the House will pass. The legislation is necessary, and in view of that fact I am willing to accept almost anything in order to have the opening occur.

Mr. LACEY. I ask for a vote.

The SPEAKER. The question is on suspending the rules and passing the bill with the amendments offered.

The question was taken; and in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

#### SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HOPKINS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 14018). The Chair desires to say to the gentleman from Illinois that there is a point of order pending upon the amendment proposed by the gentleman from Missouri.

Mr. COWHERD. On that I desire to be heard for a moment, Mr. Chairman. When the committee rose last Saturday I had

asked the Chair to give particular attention to the words of the rule:

For such public works and objects.

Now, of course, it is not necessary to suggest to the Chair that in construing the two words "works" and "objects" the Chair should, if practical, give such a construction as to give a meaning to both words. They are not to be considered as synonymous provided they will reasonably bear any other construction.

Now, "public works" has been pretty well defined under the rulings of Chairmen heretofore, but the word "objects," or "public objects already in progress," has not been so well defined. I find one ruling, if the Chair has before it the parliamentary precedents, in sections 500 and 501, in which it was held that an appropriation for "special mail facilities," although there was no law providing for it excepting the current appropriation for that and former years, that such an appropriation was permissible in that particular, looking to the carrying out of "a public object already in progress." Now, the matter to which I particularly wanted to direct the attention of the Chair is this, that if a distinction is to be made—

The CHAIRMAN. Does the gentleman call the attention of the Chair to section 502?

Mr. COWHERD. To sections 500 and 501. I think it is a decision, with Mr. Blanchard in the chair, upon the question of "special mail facilities," and it cites also a decision of Mr. Allen, of Michigan, I think, both upon the same point and both holding the same way. That decision, I take it, is based rather upon the use of the words "public objects" than upon "public works."

The point I am endeavoring to make, if the Chair please, is this, that the word "object," or "objects such as are already in progress," should be given some additional meaning than that given to the words "public works;" and if it is to be given, I know of no meaning which can better be applied than to some recognized Governmental obligation for which we have been accustomed to make appropriations. That, I take it, is a "public object;" and if appropriations have been formerly made and are in force at the time, then it is a "public object already in progress." Shall I continue, Mr. Chairman?

The CHAIRMAN. The Chair is listening to the gentleman.

Mr. COWHERD. Now, Mr. Chairman, the obligation of the Government to provide for the Indians in case of need has been recognized for many years and recognized in all appropriation bills. There are in the present Indian appropriation bill some two or three pages where we make appropriations, not under treaty stipulations, but outside of treaty stipulations, in order to provide for Indians who may be in need. In doing it we find that these appropriations are not subject to the point of order, particularly if they have been heretofore carried. They might be subject to a point of order if they were brought up for the first time.

Now, under the treaty by which Alaska was ceded to the United States, it is provided:

Uncivilized tribes will be subject to such laws and regulations as the United States may from time to time adopt in regard to aboriginal tribes in that country.

Now, we have continually recognized the fact that it is a standing obligation upon us to take care of the Indian tribes in the United States, and we always provide for giving them clothing and food in appropriation bills. Now, then, I take it, as I say, that that is "a public object," a governmental obligation, and it "is already in progress." In the last sundry civil appropriation bill there appeared this clause:

To enable the Secretary of the Treasury to furnish food, fuel, and clothing to the native inhabitants of the islands of St. Paul and St. George, Alaska, \$12,500.

The only distinction between that clause and the clause that I offer as an amendment to this bill is that is limited to the native inhabitants of these islands, but this is to enable the Secretary to furnish identically the same necessities to native inhabitants of Alaska. In other words, my contention is that this obligation upon the Government to provide in case of need the necessities of life to the Indians of the United States likewise applies to the Indians of Alaska on account of the provisions in the treaty; and further, that it is not subject to a point of order at this time, because the Government has already recognized it as an obligation on the Government to take care of these people, provided they are in need; and it is recognized in the bill now under consideration, and is recognized in last year's sundry civil bill, now in force, and is, therefore, a public object already in process. Mr. Chairman, we appropriate this year \$200,000,000 for an Army and Navy—\$200,000,000 for the purposes of war. Is it asking too much that we should give one four-thousandth part of that sum as a peace offering to the Lord, to save from extermination a people He created and whose sufferings, in large measure, are due to the fact that they have been kind to our citizens?

Mr. CANNON. Mr. Chairman, I do not desire to take much time. In the first place, I do not understand the inhabitants of Alaska, who are Russian subjects, are in any sense upon the same



foundation that the Indians are in the United States proper. And when the gentleman says the treaty provides for the care of these Indians it strikes me it is remote. I do not think any inference can be drawn from a treaty of the kind he desires should be drawn by the Chair. What are the facts about it? The gentleman offers an appropriation to feed and clothe, and I suppose it is broad enough to build houses for the Indians in Alaska.

Mr. COWHERD. It is for food, fuel, and clothing; that is the present law.

Mr. CANNON. In principle it might say "and houses and a mule and 40 acres of land, if you choose, and ships. [Laughter.] I apprehend it is not necessary for me to stand and multiply words to show that this point of order lies to the amendment. It is upon the ground that there is no law authorizing it, nor is it a public work in progress.

The gentleman cites the special facility as a case in point. I do not think that is in point at all. There was a service in operation. And even if it was the point, it never has been extended. The decision when it was made originally was a fraud in defiance of all parliamentary law, but the House wanted to do it and determined the point of order that way.

The CHAIRMAN. In the opinion of the Chair, this point of order should be sustained. There is no authority of law for the same.

Mr. KNOX. Mr. Chairman, I move to strike out the last word for the purpose of making the statement that I agree fully with what has been stated by the gentleman from Missouri as to the condition of the natives in northwestern Alaska. They are at present in an extremely pitiable condition on account of sickness, starvation, and the lack of fuel and clothing. That condition has been brought about very largely by the great influx of white people to the Nome district for the purpose of mining.

I will say, however, that the military authorities of Alaska during the last season, and those in charge of the revenue-cutter *Bear*, have extended aid and relief to these natives who are suffering in northwestern Alaska. I wish to say also that this condition was represented to me as late as Saturday night, for the first time officially, and after the motion of the gentleman from Missouri, by a letter from the Secretary of the Interior, which concluded as follows:

As a result of such conferences Lieutenant Jarvis has prepared and submitted through the honorable Secretary of the Treasury an estimate (a copy of which is herewith transmitted) showing that \$50,000 will be required to afford adequate relief for the destitution existing among the natives in Alaska, and I have the honor to commend the same to your favorable consideration, to the end that an item appropriating \$50,000 for the relief of the destitute natives in Alaska be inserted in one of the pending appropriation bills.

The Committee on Territories has no jurisdiction over appropriations, and it seems to me my whole duty is discharged in the matter by presenting to the House the facts as they have been transmitted to me. It may be that Congress, after being in full possession of the facts, may, by joint resolution, appropriate \$50,000, or some appropriate sum, for the relief of these natives.

I have before me the official correspondence in relation to this matter. I have a letter from the Secretary of the Treasury, a letter from the Secretary of the Interior, a report of the general in command of the military division of the district of Alaska. I also have letters from Captain Tuttle, of the Revenue Service, and a copy of the report of the census agent and various others, all official communications transmitted to the Secretary of the Treasury and bearing upon this subject; and I ask unanimous consent that, as a part of my remarks, these may be incorporated in the RECORD, that the House may have information of the facts as they exist, and determine whether or not it will take action and afford relief.

The CHAIRMAN. Without objection, the gentleman's request will be granted.

The following are the letters and communications referred to:

DEPARTMENT OF THE INTERIOR,  
Washington, February 15, 1901.

SIR: In my last annual report to the President of the operations of this Department, in discussing affairs in the district of Alaska, I stated among other things that—

"The condition of the natives in Alaska has been reported to this Department from time to time to be pitiable in the extreme, they being in destitute circumstances and afflicted by diseases of various kinds. This Department having no appropriation under its control out of which any relief could be afforded the Alaskan natives, the War Department supplied in this emergency, from its commissary and subsistence stores, etc., in Alaska, food, clothing, medicines, etc.

"In my judgment a specific appropriation should be made by Congress of a sum sufficient to provide for these destitute natives, to be expended preferably under the supervision of the Secretary of War or the Secretary of the Treasury, they having better facilities than this Department for the distributing of the Government's bounty."

Subsequently to the rendition of this report the honorable Secretary of War forwarded to this Department a number of papers from the War Department files regarding the extreme destitution reported as existing among the native races in certain sections of Alaska, and suggested his willingness to cooperate with this Department in any effort that might be made with a view to securing an appropriation for the relief of the natives.

After consideration thereof, several conferences were had with Lieut. D. H. Jarvis, of the United States Revenue Marine Service, who had been in the Alaskan country and was thoroughly familiar with the conditions existing

there, with a view to ascertaining the probable amount of money that would be required to afford adequate relief to these destitute people.

As a result of such conferences, Lieutenant Jarvis has prepared and submitted, through the honorable Secretary of the Treasury, an estimate (a copy of which is herewith transmitted) showing that \$50,000 will be required to afford adequate relief for the destitution existing among the natives in Alaska, and I have the honor to commend the same to your favorable consideration, to the end that an item appropriating \$50,000 for the relief of the destitute natives in Alaska be inserted in one of the pending appropriation bills.

Very respectfully,

E. A. HITCHCOCK, Secretary.

Hon. WILLIAM S. KNOX,  
Chairman Committee on the Territories,  
House of Representatives, United States.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, February 14, 1901.

SIR: I have the honor to inclose herewith, for your information and such action as to you may seem proper, copy of a report, dated to-day, and the papers therein referred to, from Lieut. D. H. Jarvis, of the Revenue-Cutter Service, who during the past year was assigned to assist customs officers in Alaska, in relation to the distressed conditions of the natives in northwestern Alaska and the necessity for provision for their relief. Lieutenant Jarvis advised me that his report was made on a verbal request from you.

Respectfully,

L. J. GAGE, Secretary.

The SECRETARY OF THE INTERIOR.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, February 14, 1901.

SIR: At the verbal instance of the honorable Secretary of the Interior, I respectfully submit the following regarding the distressful condition of the natives of northwestern Alaska, in the region now occupied by white miners and prospectors:

These natives are of the Eskimo race, a simple, generous, and hospitable people. At best theirs is a hard struggle for life, but since the advent of the great numbers of white people in their country their means of existence have been cut off and they now stand in immediate danger of being wiped out of existence. They have shared their homes and food and clothing with the white men, until now they are reduced to such a low condition they are no longer able to withstand the ravages and the rigors of their climate. During the last summer they were afflicted with the epidemic of measles, influenza, and pneumonia and starvation, and during the summer 25 per cent of their whole number died. Their dead bodies were strewn along all the coast and Yukon River, food for the dogs, and the survivors too weak to bury their dead or help themselves and lay up their usual supply of fish. In some instances whole villages passed out of existence, and everywhere infants were left without friend or kindred to care for them.

When this condition became apparent, Brigadier-General Randall, United States Army, commanding Department of Alaska, Special Agent Evans, and myself endeavored all in our power to ameliorate the distressful state and save the remnant of the people pending action by Congress. These measures are still going on where needed, and it is hoped in the interests of humanity something can be done for so worthy a people, whose condition is now the direct result of the aggressions of white settlers in their country.

The number of these people in the region named, according to the last census, was nearly 9,000. Of these fully 2,000 to 2,500 died last summer. To save from famine and starvation the remainder of these people, together with the measures taken for their immediate relief, will require at least \$50,000. It is not thought or desired to support them permanently, but simply to tide over their present sickness and famine-stricken condition until they can be gathered together by the missions and moved away from the region of the whites. The facts have been fully reported by General Randall, and I submit the accompanying papers in addition.

Respectfully,

D. H. JARVIS,  
First Lieutenant, Revenue-Cutter Service.

The SECRETARY OF THE TREASURY.

The Eskimos on the coast, north of the mouth of the Yukon, are very honest. In traveling among them it is customary to leave the sled, with the load, on the outside of the cache at night, and nothing is ever stolen; but here among the Kuikpakmutes, although most of the people are honest, there is sometimes one or two thieves in a village, which makes it unsafe to leave one's things outside over night. When we arrived at Imaugak, Utechak, a native, said to me, "Put your things in my brother's storehouse; it has a lock. We are not all alike in this village."

Utechak has a well-built log cabin, about 12 by 14 feet, with two glass windows. There is also one at Kinak and two at Stugasett. The rest of the dwellings are huts, built in the ordinary Eskimo fashion, but without floors, and not so well built as those up north. The people are very poorly clothed. Those living along the mouth of the Yukon north of the Great Tundra are mostly dressed in fishskin boots and squirrels' parkas—only very few of the richer ones can afford to wear deerskin. Their dogs, and almost everything else of any value, have been traded off to the whites for cloth, ammunition, and groceries, in the using of which, of course, they do not know how to economize, and so they get poorer every year.

South of the mouth of the Yukon is the Great Tundra, with its innumerable lakes and small sloughs, with many villages from half a dozen to 80 or 90 miles apart. The people are called the Maramute, which means "Tundra people." Most of the dwellings of the Maramute living north of the Eskinak Mountains are wretched. They are without floors or fireplaces; the window in the roof is in most cases made of fishskin instead of seal gut, and, as wood is too scarce to have fires, the window is never removed, so there is no ventilation. As the ground is all swampy, the houses have a damp, disagreeable smell. I thought it would be impossible for human beings to live in worse dwellings, but I was mistaken. After crossing the mountains I met with a people who have probably reached the lowest limit of poverty and uncleanness.

Their dwellings are so crowded that there are sometimes 20 or 30 persons in one house. Some of their houses are so low that one cannot stand upright in them, and so cold that frozen fish left in the house does not thaw out. The windows of all the houses, except the casims, are made of ice. An ice window is a block of ice, about 2 feet square and about 10 inches thick, laid over the opening in the roof of the house and cemented around the edges with mud, which freezes and forms an air-tight joint. The upper side of the window is then rounded off in a convex shape, so that it is thick in the center and thin at the edge. It lets in more light than seal-gut window, and with proper care lasts all winter. At most of the villages wood is too scarce to be used as firewood, so most of their food is eaten raw and frozen. At the village of Igeramute there was not a person in the place that owned a tent or canoe. In the summer time these people live at their fishing place in little sod huts, some of them not over 4 feet high.



The people between the Eskinak Mountains and the Yukon River live in the winter almost entirely on fish. On the Yukon they set traps and nets under the ice and catch whitefish and loak; but on the tundra their principal food is blackfish, also caught in fish traps in the lakes and ponds on the tundra. Most of the fish are caught in the fall and frozen and laid up for winter use.

Nearly all the people between the Eskinak Mountains and Cape Vancouver dress in the skins of birds, such as geese, ducks, and swans; very few of them have muskrat parkas, but seal-skins are more plentiful, so that most of them have seal-skin boots. Some of their bird-skin clothing, instead of being sewed with thread or sinew, is sewed with blades of a kind of grass, called keukit.

At one village where we stopped, after pitching our tent, we asked for wood. There was only one man in the place who had any, and he asked so much for it that I could not afford to buy it. He was surprised to see us cook our supper on our coal-oil stove, never having seen anything like it before. He was afraid that we were offended with him for asking such a high price for his wood, so he brought us a present of fish and grouse as a peace offering.

Like most Eskimos who have not had much intercourse with white men, they were very hospitable and friendly, willing to give all the information they could at every village; brought us presents of fish, grouse, or berries; helped us pitch our tent, and tried to make us as comfortable as possible.

The day we left Amektalet it began to blow hard from the north, and by 10 o'clock it was impossible to see 100 yards in any direction. Our guide seemed to go by instinct rather than reason. He finally found a stream, which we followed until we reached Kupoolamute. This village, if it can be called a village, consists of small mounds of earth about 5 or 6 feet high; one serves as a dwelling, another as a casim, and the third is a storehouse for fish. There was no cache where we could put up our things out of the reach of the dogs and no room for us in their overcrowded hotels; not a stick of wood to be had at any price; not even a place to tie a dog to. It was a regular old-fashioned Dakota blizzard; but we finally managed to get our tent pitched over our sled, and by the aid of our oil stove we got a hot cup of tea. It was bitterly cold, and the only way to keep from freezing was to go to bed and wrap up in our blankets.

Both of these towns are some distance from the seacoast, and therefore wood is scarce. People have to get along without fire, except in the casims, which have a fire once a day. On account of the scarcity of building material, their huts are very small and crowded men, women, and children, and dogs living together in perfect harmony and peace. But so filthy are they that it is impossible for anyone but one of themselves to stay in their huts overnight. The smell of one of these houses is something never to be forgotten, and I can not see how it can be otherwise; most of them are so poor that their skin clothing is worn until it drops off them in pieces; skin clothing can not be washed, of course, and they are too poor to buy cloth. The water at nearly all the villages looks like strong tea and tastes of iron and decayed vegetable matter, so that we could not use it either for drinking or cooking. But the natives must get along with it, not having fuel to melt snow. Their food consists in most cases of fish—not fresh fish, but fish caught in the fall and frozen, and most of it partly decayed. Is it any wonder that these people are dying out?

These people also suffer for lack of clothing. At Igarmute we saw an old man who was barefooted in the middle of winter, and of course he could not go out of doors. Many of the children and women are so poorly clothed that they are forced to stay inside of their huts the greater part of the time in the winter, breathing the poisonous air that no one but a Maramute could endure. Many of these people show the effects of this kind of a life. They have sunken chests, like consumptives, and are thin and puny looking, a great contrast to the hardy Eskimo of the north, but in traveling they show a surprising amount of strength and endurance.

There are men and women now living in these villages who can remember when furs were so plentiful that they used beaver skins for beds and arctic fox skins for underclothing, and the young men dressed in martin-skin parkas and land-otter pants; when deer was so plentiful that they could get fresh meat whenever they wanted it. But when they got breech-loading rifles they soon killed or drove off all the deer, and the traders offered them all the inducement they could to exterminate the fur-bearing animals, even in some cases furnishing them with strychnine as well as steel traps. Now furs are so scarce that the natives can not afford to use them as clothing. It takes all the furs they can get to pay for their ammunition, tobacco, and other things that they absolutely need.

July 23.—Mr. Walker reports: Six Eskimos camped in tents below Safety Harbor, and all very sick. No provisions. Two bodies found on trail being eaten by dogs. Between Nome and Bluff City much sickness and a great many dying. No provisions or attention.

July 28.—Mr. Jansen reports: Eskimos very sick at Golvin Bay; a great many dying; no medical attention.

July 31.—Mr. Borchard reports: In the last few days 10 Eskimos died across the spit from Dexter's (at Golvin Bay). In two weeks 30 died. A great many sick.

July 31.—Captain Hibbard reports: A great many sick and dying natives at Port Clarence.

July 31.—Mr. Zweifel (sent by Mr. Healy) reports: At Port Clarence and Grantby Harbor and surrounding country, many lying around dead, being eaten by dogs, and all sick. No provisions. Found dead body of woman, and baby trying to get at its mother's breast. Eleven buried by whites.

NOME, ALASKA, July 5.

Captain JARVIS: At the present time there are about 100 Eskimos about 5 miles east of Cape Nome on the beach. While coming past there yesterday I found these people in bad condition, numbers of them sick, and they all complained that they could get nothing to eat. Their condition should be looked after immediately.

H. T. HARDING.

September 25.—Colonel McKillican reports having helped bury 9 bodies of natives lying out dead at Bering, Port Clarence.

CUSTOM-HOUSE, PORT OF ST. MICHAEL,  
DEPUTY COLLECTOR'S OFFICE,  
July 31, 1900.

SIR: Under the instructions given me by the Department upon my assignment to duty with you in this part of Alaska I was directed to give attention to the condition and welfare of the native population, and particularly to see that the law prohibiting the sale of intoxicating liquors was enforced. Together with other duties, I have not overlooked their condition, and am convinced that it now needs attention and should be brought to the notice of the Department.

The great influx of miners of late has interrupted the natives in their usual avocations of hunting and fishing, their only means of supporting themselves. Naturally they are peaceful, industrious, and hospitable, sharing their food and homes with the whites to the last.

Tribal relations do not exist among them, and each family cares for its own members wholly. As a race they are honest and industrious, and are not savage or vicious as the Indians of the plains of the United States.

They are simple and childlike in many ways, and altogether a people deserving the sympathy and care of the Government.

They have been accustomed to make their own clothing from reindeer and other fur, but of late years the demands of the great number of white miners have placed these beyond the reach of the natives, and for some time past they have been living with only the remnants of their former fur clothing and what woolen clothing they could secure from the white people. The driftwood along the shores has furnished them fuel and material for their houses, but of late the white miners and travelers have burned most of the wood, and in many cases have not stopped at the natives' houses and racks. Formerly they could secure supplies hereabouts from trade and by working about the stations of the companies, but the presence of large numbers of white people now keeps them from gaining this assistance.

All of these conditions combined and continued for several years have tended to reduce the natives to a condition of poverty and physical weakness that now makes them incapable of resisting the diseases affecting them. Measles, pneumonia, grip, and lung troubles generally have affected them this present summer, and in their weakened condition they are dying by hundreds. In many cases whole families have disappeared in a few days. Weakened by disease, they remain away from the whites, refuse to beg, and, being unable to fish or hunt, die of starvation. Reports are daily coming of dead natives strewn all along the coast. Their condition is so bad that unless something is done for their relief those who do not die of disease and starvation this summer will surely do so in the coming winter, for which they are now incapable of making any preparation, and the whole race will disappear.

According to my information this state of affairs exists all along the northern shores of Bering Sea to Bering Straits and several hundred miles up the Yukon River, and in that region, according to the census just taken, there were some four thousand people. They require not only immediate relief, but will also require more or less care, food, and clothing until June next.

At St. Michael the Alaska Commercial Company is caring for as many as they can reach, and their physician has fully one hundred patients in the hospital and on his visiting list. Such a heavy expenditure as this entails can hardly be expected to be continued by private parties.

The Army officials here, with whom I have had many interviews, are willing to do anything they can to alleviate the suffering, but at present they have not the supplies, transportation, physicians, or help to undertake the care of so many Indians as the dictates of humanity and the necessities of the case require.

I submit this with the hope that you may be able to give some directions to meet the conditions set forth, and to meet them will require a considerable outlay of money. For immediate relief, provisions, medical supplies, physician's care, and transportation will be necessary. For the winter an effective organization and a continual superintendence will be required.

It will be impossible to put the people in large camps without proper buildings to house them, and to prepare for the winter provisions will have to be distributed before the close of navigation.

Again, these provisions can not be given out without some superintendence, for they are liable to be wasted or consumed by traveling white men. The supplies needed include flour, bread, tea, sugar, molasses, bacon and other meats, butter, lard, blankets, clothing, tools, and cooking utensils. The amount may be as great as 200,000 rations, and the expense for the winter as much as \$100,000.

I have hesitated to incur any expense in this direction, as these people heretofore have been wholly self-supporting and have received no aid whatever from the Government, but from all the circumstances it now seems an absolute necessity for the Government to assume some care in the matter and to provide the assistance required, or the whole people will die of starvation and neglect.

Very respectfully,

D. W. JARVIS,  
First Lieutenant, R. C. S., Acting Special Agent.

MR. JOSEPH F. EVANS,  
Special Agent, Treasury Department, St. Michael, Alaska.

NOME, ALASKA, July 27, 1900.

SIR: After leaving you at St. Michael, I proceeded to Cape Furgerson, but found the Eskimo village at that place deserted and the same condition at Cheekuk. At Bluff City found about 8 natives, but owing to the attention and provisions received by the whites, only 3 were sick, and they were getting along fairly well, so did not bring any from there. I next went ashore at Opertuluk and there found them in a very deplorable condition. Out of 15 only 4 were really able to be about. Two were so sick that I was afraid the moving would result in their death. Had no provisions, and starvation was plainly written on their faces. Made a "cache" of goods.

We next went to Port Safety, where the whites reported a great number sick and dying back of the town, and, on investigating, found it true. Even the ones able to be around were so weak that it was all they could do to put the necessary clothing in their boats, when they were brought alongside of the *Meteor* and took on board and fed. In and around the immediate neighborhood of Port Safety there were 36 deaths—18 buried by whites, 8 found not buried, and 10 buried by the Eskimos themselves. I landed the 80 at Nome River, reporting the condition of the Eskimos to the officer in charge.

I then proceeded to Sinrock, where I found them in a little better state, although there had been 6 deaths, but most of them had provisions, being furnished by "Eskimo Charly."

A few miles above Cripple River, found 5 women in one tent, all resembling skeletons more than human beings, and so weak that they had to be carried to the boat. The stench at this place was something terrible, and on looking around, found the cause to be 5 dead bodies of men lying unburied. Collected a great deal of goods and made a cache.

At Cripple River found 5 in one tent, all but 1 very sick. Made a "cache" of goods and took all on board of the *Meteor*.

At Penny River found them in a pretty fair condition, the whites being instrumental to a considerable extent in their good condition, as they have supplied them with provisions and looked after the sick. Out of the 13 only 1 who needed immediate attention, and brought her along. Three deaths.

Made a "cache" of all goods left and posted up a notice explaining the condition and cause of removal, and warning the public not to disturb them.

Respectfully, yours,

GUY N. STOCKSLAGER.

Lieut. D. H. JARVIS,  
Acting Special Agent, Treasury Department.

DEPARTMENT OF THE INTERIOR, BUREAU OF EDUCATION,  
ALASKA DIVISION, U. S. S. BEAR,  
Port Clarence, August 1, 1900.

DEAR SIR: I have just returned from a visit to the Government reindeer station and Lutheran mission station at Teller, Alaska, and find that the "influenza," that is an epidemic along the whole coast among the Eskimos, is raging there with great violence. Since you landed Rev. Mr. Brevig and family at Teller, about a month ago, he reports that fully one-half of the Eskimos around the station have died. Eleven have died during the last week. In some cases whole families have disappeared, both parents and children being dead. In others the parents and some of the children have died, leaving young children orphans with no near relatives to feed or care for them.



The salmon are running in their waters, but there are not a sufficient number of well people left to catch them, and thus provide food both for the present and for next winter. The ravages of the disease have been so great that a panic has seized the native population, and the dead are left unburied in their houses. In his desperation one who died a few hours afterwards of the influenza shot and killed the "Shaman." The "Indian doctor" was himself sick, and would probably have died in a day or two if he had not been shot. In their distress the natives of the vicinity are beginning to collect at Teller for food and medical attendance.

The Rev. T. L. Brevig, although not a physician, has set up a few tents and is running a temporary hospital as best he can, having 12 sick under his care. He has also taken into his family so far 12 orphan children.

For the children, the sick and their families, he has to furnish food from his own supplies. He is in great need of pilot bread, flour, and clothing to be issued to natives in extreme distress.

There is no record for half a century of the same distress that is now prevalent along the whole Bering Sea coast. Asking your considerate attention to some practical method for relief, and also suggesting that the great need be also called to the notice of Brigadier-General Randall, United States Army, commanding the Department of Alaska, I have the honor to be

Your obedient servant,

SHELDON JACKSON,

United States General Agent of Education in Alaska.

Capt. FRANCIS TUTTLE, R. C. S.,  
Commanding Cutter Bear.

#### ORTHODOX CHURCH OF RUSSIA IN AMERICA.

St. Michael, Alaska, August 3, 1900.

SIR: Having heard that you are endeavoring to ameliorate the present most deplorable condition of the native Indians in this section of Alaska, I humbly beseech you to hasten this work before it is too late, for the all-important reason that if speed be not used at this critical moment the death rate will increase to an alarming extent. I can assure you that within the limited confines of the district under my personal supervision there has been no less than 300 deaths since the commencement of the existing epidemic of measles and la grippe, and the conditions are growing worse daily.

Through lack of proper food and nourishment the natives are so weak as to be almost absolutely helpless, and they can not even do the work necessary to put their homes in proper condition for habitation during the coming winter, which will surely bring the scourge of pneumonia with it.

The epidemic of sickness commenced, most unfortunately, just at the season when they should have been engaged in fishing in order to supply the wants of themselves and their dogs throughout the winter. While sick they could not go near the water, as that meant death, and when convalescing they could not pursue their avocation of fishing, as that would mean a relapse, followed inevitably by death. Hunting has been an impossibility with them, and the same may be said of trapping. Naturally they have been too weak to haul the driftwood to their homes, or even to chop it to provide the necessary fires for warmth and cooking.

As a consequence of the foregoing, distress exists everywhere, and death after death is fast decreasing the native population.

I pray to you to assist these good, kind, harmless people in every way that you can. They have never before asked for assistance; in fact, they themselves do not now ask for it, for it is the great, common cause of Christianity that is observant of their dire necessities and which I devoutly hope will bring to them the succor that is so needful.

These natives have at all times supported themselves, and upon hundreds of occasions they have fed and sheltered the whites without the slightest expectation of remuneration, but merely through pure kindness of heart. It is to be regretted that this same open-hearted hospitality has in too many cases been abused.

If the suggestions of one who has worked among these poor and deserving people would be of value to you, I would advise the establishment of at least four auxiliary distributing stations in this district, namely, at New Hamilton Station, on the Yukon River, at Andreafski, at Razboinski, about 45 miles above Andreafski, and at Pimute, which is about 45 miles above Russian Mission. To my mind it would be best to have the priests of the different religious denominations charged with the delivery of the supplies of food, clothing, and blankets, as they would distribute them through the medium of men whom they know would deliver them to the most deserving people and in proper quantities at different periods, so that there would be no waste. It would be a fatal error to deliver supplies for a long term of months at one time.

To the natives it would seem like too much prosperity and they would not be careful. I think it would be advisable to have an officer and several soldiers patrol the district constantly, in order that the necessities of the natives from time to time be not overlooked.

If you could but see the miserable huts that these people occupy in winter, the conditions under which they have lived when in good health, and then picture them as they are now—weak, sick, starving, and poorly sheltered—you would, I am sure, hasten your Government in this errand of mercy. That your efforts may be successful is the prayer of

Your obedient servant,

REV. J. KORCHINSKY.

Hon. JOSEPH F. EVANS,  
Special Agent Treasury Department, St. Michael, Alaska.

U. S. S. BEAR,

Nome, Alaska, August 9, 1900.

SIR: \* \* \* At 11.15 p. m., July 15, being off Sinrock, stopped and sent an officer ashore with a surgeon to examine into the condition of the natives, as I heard there had been several deaths and many were sick. At 1.30 a. m., 16th, officer and surgeon returned; reported measles epidemic; pneumonia prevalent and fatal; several had died since our last visit. The surgeon prescribed for such as were sick and left medicines.

Port Clarence was reached and vessel anchored off Teller station at 5 p. m., 16th. Mr. Brevig, Government school-teacher, reported much sickness and many deaths among the natives. The surgeon was sent ashore to prescribe for the sick. \* \* \*

Cape York was reached at 2.45 a. m., 18th. Officers were sent ashore to communicate. Upon their return, at 4.45 a. m., they reported the same fatal illness among the natives as we had found to the eastward. \* \* \*

At 7.15 a. m., 18th, anchored off Cape Prince of Wales. Surgeon was sent ashore to prescribe for the sick. Upon his return he reported the same fatal illness as at other places. \* \* \*

11.55 p. m., 31st, stopped off Kings Island. Three natives came alongside and reported most of the people dead. Not enough left alive to take the dead out of their houses. Fog coming in and appearance of foul weather, I was obliged to leave without landing. Port Clarence was reached at 7.15 a. m., August 1. Reindeer stores were taken on board. Dr. Jackson visited the shore. His report of matters there is inclosed. \* \* \*

At a conference with Governor Brady, of Alaska, special agent of the Treasury J. F. Evans, Dr. Sheldon Jackson, and myself, in reference to the

deplorable condition of the natives north of Unalaska, it was decided that relief must at once be afforded them or they would perish from cold and starvation during the coming winter. I offered to fill the *Bear* with whatever could be procured to distribute north of Cape Prince of Wales. Upon my return to take another load to places south of Cape Prince of Wales, Special Agent Evans at once ordered a load, which was put on board without delay. \* \* \*

The natives are thoroughly demoralized through fright and superstition. This is the time they should be securing their winter's supply of food. Instead of doing so they simply remain in their huts, eating of what little supply of food they may have, and making no provisions for the winter. If it were not for the relief that is now afforded them, it is my opinion there would not be 10 per cent of them alive next June.

Respectfully,

F. TUTTLE,  
Captain, Revenue-Cutter Service, Commanding.

The SECRETARY OF THE TREASURY,  
Washington, D. C.

NOME, ALASKA, August 10, 1900.

SIR: I took passage on the steamer *Dora*, per instructions, on August 4. Owing to bad weather it was impossible to land at any point except Port Clarence. On the morning of the 6th I went ashore at Teller Station and delivered provisions to Mr. Brevig. The 30 Eskimos at that place were all sick and being cared for by him. All are in very bad condition, having no provisions or clothing, very few having even "muk-luks," or sufficient sleeping gear. There have been 13 deaths at Teller Station, 1 of the deaths being due to murder, a sick Eskimo shooting another under the superstitious belief that his death would cure the sickness, the one killed being a doctor. We next stopped 4 miles below Bering City, where the mate went ashore to get water, and on returning reported 9 dead bodies lying unburied on the tundra.

Two miners came on board at Clarence City and reported 10 deaths at that place, due to nonattention and lack of provisions. Two alive at present and doing well. We next proceeded to York, but the weather was too rough to land.

Respectfully, yours,

GUY N. STOCKSLAGER.

Lieut. D. H. JARVIS,  
Acting Special Agent, Treasury Department.

OFFICE OF SPECIAL AGENT, TREASURY DEPARTMENT,  
St. Michael, Alaska, August 6, 1900.

DEAR SIR: I wish to confirm the memorandum handed you yesterday by Captain Tuttle of the cutter *Bear*, for provisions and clothing to be purchased from your company, and delivered to the cutter for distribution. The articles and quantity were agreed upon at a meeting of the captain, Governor Brady, Dr. Sheldon Jackson, and myself, as absolutely required for the sick and destitute Indians.

You will please hand the account to Lieut. D. H. Jarvis, who has been placed in charge of the business of distributing and of keeping accurate accounts of the same.

Captain Tuttle had better O. K. the bills of such goods as he may receive and distribute, and deliver them to Lieutenant Jarvis.

Very respectfully,

J. F. EVANS,  
Special Agent, Treasury Department.

Mr. LOUIS SLOSS, JR.,  
General Manager Alaska Commercial Company,  
St. Michael, Alaska.

DEPARTMENT OF THE INTERIOR, BUREAU OF EDUCATION,  
ALASKA DIVISION,  
Teller, Alaska, August 15, 1900.

DEAR SIR: The *Bear* left enough supplies to last until fall, and promised to bring in enough for winter, both of food and clothes. Since I wrote last the situation has not materially changed. An old man and three children have died, and others are slowly recovering. Edd arrived this morning on the *Riley*. One of the children in the party is very sick. The man on Point Jackson was brought in the 11th by my assistant and proved to be paralyzed on one side. He eats for two natives and still complains. Yesterday I took a widow with one child, and two children into the station. Four good dogs and several common dogs can be purchased here.

If you are buying outfits to supply the natives, would you kindly, with the rest, purchase for me the following:

One cook stove, No. 8 or 9, one burning both wood and coal preferred. The many children and others taken into the station makes it necessary for me to get an additional stove. One keg of butter (rolls packed in brine preferred), 1 barrel oatmeal, 1 barrel cube sugar, 50 pounds green coffee, 2 or 3 cases canned fruit. I had to let natives have some fruit during the worst sickness.

Some linen and cotton thread will also be needed for the natives. I have now 12 children, 3 women, 1 man (sick), and 3 boys that get their meals at the station; besides 10 tents that get all or most of their supplies from me, and more are coming in. My children are better, and about recovered from their sickness.

Please let me know about what time the Lapp should go to "Mary's" place in regard to the deer herd. If I do not hear anything I will send him down about the 1st of September.

Respectfully, yours,

T. L. BREVIG.

Capt. D. H. JARVIS,  
Nome, Alaska.

U. S. S. NUNIVAK,  
Greyling, Alaska, August 23, 1900.

SIR: In the matter of the sick and destitute Indians along the Yukon River, I have to report that the condition of these people is far more serious than has been reported, or, in fact, than can hardly be realized except by personal observation. At many of the camps visited by this vessel on our way upstream it is found that fully one-half of the native population have died since the beginning of this epidemic, and in almost every place there is no one strong enough to work or help themselves. Everyone, with but few exceptions, is either sick and helpless, or, if convalescent, are so weakened by disease and the deprivations which they have endured that it will take some time to recover sufficient strength to pursue their ordinary vocations.

The supply of food which you had placed in my charge for distribution has been dealt out as carefully as possible, and I am fully persuaded that this relief has been of great good; but this will not be sufficient. Some other form of quick relief must be adopted to tide these people over until they have recovered from their present deplorable condition, or, in my opinion, the deaths from actual starvation will be appalling. At the present time there is not a village or settlement between this place and the mouth of the river where there is enough food fit for use, under the present conditions, to last more than two weeks. At many places the natives have laid in a good



supply of fish, which, under ordinary circumstances, would be all the food they would require.

But such food now is so ill-fitted for their necessities, owing to the weakened state of their digestive organs, that it is hopeless to think that they can recover strength unless some other kind of food is furnished. Both the Russian mission and that at Holy Cross have done everything possible to help the people immediately under their charge, and in the case of the work done by the priests at the latter place, it has been constant, indefatigable, self-sacrificing, and admirable, but the matter is one entirely too large and serious for these people to handle without help. They have about arrived at the end of their resources, and while still full of zeal, can not carry on the work of relief much longer.

I shall render you a detailed report of the manner in which the supply of food entrusted to me by you has been distributed later. I am now writing very hurriedly, in order to catch a steamer going down the river, in order to recommend in the most urgent manner the adoption by the Government of some instant form of relief for the people in this region, and to respectfully suggest the following plan, or a modification of it, as likely to do the most good:

A liberal supply of flour, milk, beef tea, sugar, tea, bacon, lard, and hard bread should be immediately sent up the river and left for distribution with some responsible person at each settlement. It will be almost useless to leave food in quantity with the natives themselves. In the first place, they are improvident and can not be trusted to handle it properly, and, secondly, in the case of isolated families out of reach of white help and instruction the preparation of the food would be very poorly performed. I would recommend that a supply of the articles mentioned sufficient to last 100 persons two months be left at the Russian mission, the same for 150 persons at Holy Cross Mission, and the same for 150 persons at Anvik Mission.

I propose to expend all of the spare rations belonging to the Government on board this vessel, if necessary, for the relief of distressed natives on the upper river, as I now understand that the same sickness prevails in that locality.

I would be obliged if you will give the information contained in this letter to the Army authorities, as I promised Captain Richardson to write him in this regard. I shall do so later, but at the present time I can not do so.

Respectfully, yours,

J. C. CANTWELL,  
First Lieutenant, R. C. S., Commanding.

Col. JOSEPH EVANS,  
Special Agent Treasury Department, St. Michael, Alaska.

HOLY CROSS MISSION, KOSEREFSKY P. O.,  
Yukon River, Alaska, September 1, 1900.

DEAR SIR: It is just a month since I made a verbal report of the plague on the Yukon to you in your office. I am glad to say that the end is near. We have been through very sad times since I saw you. The school loss is 10 per cent, that of the village of Koserefsky 33 per cent or 35 per cent, of Benzalah 50 per cent, of Pimute 18 per cent. Total of deaths recorded to date for all the above places, 76. We have taken into the schools about 6 orphans, but will be obliged to receive others later. Although the disease seems to have run its course, its attendant scourge, famine, is yet to be felt. Owing to the total loss of this year's fish harvest, the breaking up of families, and the weak condition of the survivors it is easy to predict considerable destitution and even some starvation. The winter is too close at hand to allow the natives to recover sufficiently to pass it unaided.

The father superior, Rev. R. J. Crimont, has thought it due to you and Lieutenant Jarvis and Captain Cantwell to write to the Secretary of the Treasury in commendation of the prompt manner in which the unforeseen calamity was relieved by yourself and them. I take the liberty of inclosing a copy of his report. It will show you how we appreciate what you have done for the good of the unfortunate natives, particularly in our district, and the confidence placed in us here. It was certainly very satisfactory to see our requests for supplies and medicines so promptly granted. The provisions sent were a very great help, and we would have seen ourselves quite empty handed without them. In this village we cooked and distributed the food ourselves. In Pimute we engaged some reliable white men to do the same. Elsewhere we could distribute only the raw materials.

Kindly communicate our sincere thanks to Lieutenant Jarvis, who, like yourself, so I understand, has undertaken this relief affair at some risk to his own fortune.

Yours, very gratefully,

J. V. O'HARE, S. J.

Colonel EVANS,  
Special Agent Treasury Department, St. Michael, Alaska.

P. S.—I forgot to mention that Captain Cantwell, of the U. S. cutter *Nunivak*, left us the following: 30 sacks flour, 1 case extract beef, 24 cases bacon, 12 cans milk, 15 pounds tea, 1 sack sugar. He could not spare more. I understood from him that Rev. Orloff received aid for the Pimute villages, but as he has done nothing for them all the summer and as they lie altogether in our district we have supplied them all along as we agreed upon at St. Michael.

The Shageluk River has suffered lightly, with but few deaths. We have a few relief supplies yet which we dealt out only to the needy; that is, to most of the natives. We are in hopes of receiving more for the winter.

O. H.

U. S. S. NUNIVAK,  
Yukon River, Alaska, August 25, 1900.

SIR: I beg leave to add to my letter of yesterday a correction as to the number of natives which will be in need of assistance along the river where they can be reached by the different missions, as follows: Russian Mission has about 600 natives under its charge; Holy Cross Mission has about 300 natives under its charge; Anvik Mission has about 300 natives under its charge, including some of the natives of the Shageluk Slough; Nulato Mission has about 400 natives under its charge; Korkrines station has about 200 natives under its charge. In addition to food to last them for at least two months these people ought to be supplied with clothing, drilling, blankets, and ammunition for rifle and shotgun.

Can not condemned clothing from the Army be obtained?

In great haste, yours, respectfully,

J. C. CANTWELL,  
First Lieutenant, R. C. S., Commanding.

Col. JOSEPH EVANS,  
Special Treasury Agent, St. Michael, Alaska.

U. S. S. BEAR,  
St. Michael, Alaska, September 24, 1900.

SIR: \* \* \* At 11.20 a. m., August 11, came to anchor off Point Spencer. Port Clarence. A large number of sick and destitute natives were found camped on Point Spencer. Lieutenant Bertholt visited them, and upon his

return on board supplies for their immediate necessities were given them, and they were directed as soon as weather permitted to proceed to Teller reindeer station and report to Rev. T. L. Brevig, superintendent of station, who would be instructed in regard to caring for them. Teller reindeer station was reached at 8.50 p. m., August 11, and Rev. Brevig came on board. He reported many deaths since our last visit and many destitutes at the station. \* \* \*

At 10.15 a. m., September 1, anchored off Kings Island. Officers reported the island deserted with the exception of dogs. Many dead natives were seen lying around outside the igloos. The surviving natives were on a visit to the mainland. 11.35 a. m., got under way for Cape Prince of Wales, which was reached at 6.55 p. m., 1st. The forenoon of the 2d was rather rough, but most of the relief supplies were landed and placed in care of Rev. Mr. Lopp. \* \* \*

On the morning of the 21st, being off Golofnin Bay, I visited the village at Golofnin Bay and conferred with the Lutheran missionaries there. They have a large number of orphans in their charge.

Respectfully,

F. TUTTLE,  
Captain, R. C. S., Commanding.

The SECRETARY OF THE TREASURY,  
Washington, D. C.

U. S. S. BEAR,  
Seattle, Wash., December, 1900.

SIR: \* \* \* An epidemic of measles which prevailed during the spring and early summer was directly and indirectly responsible for a very great mortality among the natives. From all information I have been able to obtain, it probably had its origin on the Asiatic side, spreading northward and eastward along the routes of trade. When the bark *Alaska* was wrecked at Nome, on June 6, her crew, together with seven St. Lawrence Island natives, were brought on board the *Bear*, the latter being retained and employed on board.

On the 7th I prescribed for one of these natives who seemed to be suffering from a bad cold, and on the 11th six natives were sick, and my attention was called to an eruption which appeared and proved the disease to be measles. None of the crew contracted the disease, although every native was affected. One of them died of pneumonia on July 9.

The epidemic prevailed with serious mortality all along the coast from Cape Nome to Cape Prince of Wales, and, as I am informed, extending as far south as the Yukon Delta. At St. Lawrence Island the mortality was great, many deaths having occurred during the spring, but at the time of our first visit, July 27, the natives were in fairly good condition. At Cape Prince of Wales the mortality was very great in the early spring, but at the time of our first visit, July 1, the epidemic had passed its worst, and, with a favorable change of weather, the people were fast improving. Medicine was supplied to Mr. Lopp for use among the Eskimo.

At Kings Island the worst conditions prevailed. Here the mortality from measles and its sequelae was frightful. In my opinion from one-fourth to one-third of the entire population must have perished. The reason of this alarming mortality, which threatened to exterminate a race, is not to be attributed to any unusual severity of the disease, but rather to the favorable conditions presented for the progress of any contagions in the habits, ignorance, superstitions, and unsanitary surroundings of an uncivilized people. The condition of the Eskimo presents a serious problem, which seems to grow more serious each year, and which merits far more consideration than has heretofore been given it.

I am fully aware of the assistance that has been rendered by the *Bear* in times past and on the cruise now ended, and hope I am not amiss in respectfully calling the attention of the Department, through the commanding officer, to the needs and deserts of these people, whom my own limited opportunities and the wide experience of others has led me to believe worthy of any kind offices that the Government may extend to them.

Respectfully,

R. N. HAWLEY,  
Surgeon, R. C. S.

Capt. FRANCIS TUTTLE, R. C. S.,  
Commanding.

Mr. CANNON. While matters not exactly relevant are going into the RECORD—and I have no objection to their going in—I want to put into the RECORD a letter from a gentleman who has much knowledge touching the situation in that part of the country. I doubt extremely whether these Indians are in worse condition now than heretofore.

The CHAIRMAN. Without objection, the request of the gentleman from Illinois will be granted, and the letter he sends to the desk will be published in the RECORD.

There was no objection.

The letter is as follows:

WASHINGTON, D. C., February 17, 1901.

MY DEAR SIR: In compliance with your request that I reduce to writing the substance of what I said to you this morning concerning the subject of feeding, by appropriation in the pending sundry civil bill, those Cape Nome natives, I take pleasure in submitting the following:

These natives—Alaskan mahlemoots, or Eskimo—who reside on the coast of the Cape Nome district, are said to be in a starving condition, owing to the sudden irruption of white miners; their natural sources of food supply destroyed by these men, and, since they were unable to put up their winter supplies last summer and early autumn of fish and oil, they are now starving to death in the presence of these white miners.

In the first place, I am credibly informed that there is an overwhelming abundance of food supplies—bacon, beans, flour, etc.—at Nome City and at St. Michaels; that the prices are not exorbitant, and that any man who is willing to work can not starve, no matter how abject his condition may be financially. Knowing white miners in such camps, as I do, thoroughly, I do not believe any native up there in the Nome district who is willing to work, even a little, is in any danger of starvation.

Then there is another reason why, in my opinion, it is exceedingly improper to begin the public feeding of these natives, or any others like them. If they were fed, as it is proposed to feed them, this year at the public cost, then the same thing would have to be done next year and every year succeeding or these natives, a great many of them at least, would surely starve rather than to resume their original labors of self-preservation which they practiced before white men came among them.

In short, my dear sir, these Cape Nome natives are not in danger of starvation, but they are in a much more serious danger—the danger of physical wreck and ruin from rum and that other debauchery which a mining camp



always brings to them and their kind. From this real evil no government on earth can shield or save them.

Very respectfully, yours,

Hon. J. G. CANNON,  
House of Representatives.

HENRY W. ELLIOTT.

Mr. COWHERD. Mr. Chairman, in the line of what has been said by the gentleman from Massachusetts [Mr. KNOX], I wish to say that when this matter was first brought to my knowledge it was after the sundry civil bill had been reported. I immediately called upon several members of the Appropriation Committee, and they told me it was then too late to bring the matter before the committee, as they were expecting very shortly to get the bill up in the House. I then took this way of bringing the question up, because it was the only way left me.

I wish to say further, in response to what the gentleman from Massachusetts has said, that I have here possibly a copy of one of the same letters to which he has referred and proposes to put in the RECORD, from the general commanding that department, in which, after stating that something has been done in that line, he goes on to say that unless something further is done not 10 per cent of those people will survive. Let me add that this matter was referred to the Secretary of the Interior, who reported that there was no appropriation which could be used for this purpose. It went to the War Department, and that Department reported there was no appropriation. It then went to the Treasury Department with the same result. Therefore no Department of the Government can take cognizance of these facts and relieve these people unless a specific appropriation be made for the purpose.

Mr. CANNON. I understand perfectly that if this work is to be done it is necessary that a law be enacted for the purpose. But I make the point of order, first, because there is no estimate for the work; second, because this appropriation is not in order upon a general appropriation bill; third, because if the appropriation should go upon this bill, it would not be available until the 1st of next July, and fourth, if relief is needed, as stated, it is a matter of legislation of which, under the rules of the House, the Committee on Appropriations has no jurisdiction and of which the Committee on Territories, perchance, or some other committee, if the matter should be referred to it by the House, would have jurisdiction.

The CHAIRMAN. The Clerk will resume the reading.

Mr. GAINES. One moment before the Clerk proceeds. I wish to ask the chairman of the Committee on Appropriations what committee it was that reported here once an appropriation of, I believe, \$100,000 to buy reindeer to be sent to Alaska to help those people out there?

Mr. CANNON. Oh, the reindeer problem has been running for ten or fifteen years.

Mr. GAINES. But my question is, What committee reported that appropriation?

Mr. CANNON. My impression is that it was reported upon an appropriation bill.

Mr. GAINES. I think the chairman of the Appropriations Committee reported it here.

Mr. CANNON. It was in a special bill from the Committee on Appropriations, I am informed.

Mr. GAINES. I wish to say, Mr. Chairman, that I can not see any difference between sending reindeer to carry food and clothing to a hungry and unclad people and sending to the hungry and unclad people in some other way something to eat and wear.

The gentleman from Missouri [Mr. COWHERD] has very clearly, and without anyone having successfully disputed his statements, shown that an immense number of people from the United States—our own neighbors and friends who have gone to Alaska in such great numbers—have been so very hungry when they have got there that they have absorbed all they have laid up (such is the hospitality of those people); they have absorbed all their eatables, have taken all their firewood which they have gathered from time to time and burned it. In other words, they have taken everything in sight except the poor Indian. They have not taken his scalp, but they have done worse, they have taken what he needed to eat and to keep himself warm. Our people, our gold hunters, have done this, and our country—the mainland of this country—has received the benefit. It does seem to me that if there was precedent and law for sending reindeer up there under the circumstances stated, Congress should at least send something along with the reindeer to feed those unfortunate, uncivilized people who are the wards of this great Government.

Mr. CANNON. Mr. Chairman, my friend from Tennessee, in his clear and lucid manner, reminds me on this occasion, as he sometimes has done on others—not often—of the roaring of the water as it goes over the dam, but turns no machinery. [Laughter.]

This committee has nothing before it to give it jurisdiction of this matter. Relief by means of a provision on this bill is not in order under the rules of the House; and if my friend would but stir himself by introducing bills on this subject and having them

referred to the appropriate committee, perchance he would keep more of the "poor Indians" from suffering than he can do by dwelling in the RECORD.

Mr. GAINES. Mr. Chairman, my observations were intended to challenge the attention of the distinguished gentleman from Illinois, who is so anxious, and very properly so, about the expenditure of the public money, to the fact, which he somewhat doubts, that the condition of those people in Alaska is such that we should reach out our parental hand and help them. The suggestion I have submitted that such a course is reasonable is based upon the undisputed facts stated by the gentleman from Missouri, and it is based upon the precedent of what was done in the case of the reindeer by the Committee on Appropriations. I have simply sought to call the attention of the House and of the distinguished chairman and members of this committee to what I think we have at least a right to do.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House was requested:

H. R. 8068. An act authorizing the board of supervisors of Pima County, Ariz., to issue fifty-year 5 per cent bonds of Pima County, Ariz., to redeem certain funded indebtedness of said county.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

#### Senate concurrent resolution 107.

Resolved by the Senate (the House of Representatives concurring). That there be printed 14,000 copies of the general summary entitled "Review of the World's Commerce" for the year 1900, of which 3,000 shall be for the use of the Senate, 6,000 for the use of the House of Representatives, and 5,000 for the use of the Department of State; and 8,000 copies of Commercial Relations of the United States for the year 1900, including the general summary, of which 2,000 shall be for the use of the Senate, 4,000 for the use of the House of Representatives, and 2,000 for use of the Department of State.

#### SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Electric-light plant for the Department of the Interior buildings: For the establishment of an electric-lighting plant for buildings occupied by offices of Department of the Interior, the Patent Office building, the old Post-Office building, now occupied by the General Land and Indian bureaus, and the Pension Office building, and for improvements in the heating of the Patent Office buildings, \$74,000.

Mr. CANNON. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 53, at the end of line 13, insert "including necessary conduits, the laying and construction of which are hereby authorized."

The amendment was agreed to.

The Clerk read as follows:

For improving the ventilation of the Hall of Representatives and the corridors adjacent thereto, including new floor for the Hall and the installation of new ventilating and heating apparatus, the ventilation of the House restaurant and kitchen, for materials, labor, appliances, etc., \$51,200, to be immediately available.

Mr. CRUMPACKER. Mr. Chairman, I make a point of order against that paragraph. I would raise no objection to the paragraph if it were not for the fact that it seems to commit us to the present arrangement of the Hall. It provides for the appropriation of upward of \$50,000 to improve the ventilation.

The subject of ventilation and acoustics belongs to the Committee on Ventilation and Acoustics under the express provisions of the rules of the House. The question whether or not any changes shall be made in the ventilation of the House is a question that involves legislative discretion, and it seems to me that is one of the questions that belongs to that committee, and that this is new legislation and therefore subject to the point of order.

In that same connection the second paragraph following provides that this expenditure shall be under the control of three members-elect of the House to be appointed by the Speaker. The two paragraphs, I think, ought to be considered together to determine whether or not the Committee on Appropriations have jurisdiction of this subject.

Mr. CANNON. They are entirely independent. Mr. Chairman, I want to say a word on the point of order.

The CHAIRMAN. The gentleman from Indiana [Mr. CRUMPACKER] has the floor.

Mr. CRUMPACKER. The gentleman from Illinois has made the suggestion that these two provisions are entirely independent. The appropriation contained in the paragraph which has been read is connected with the other, because the other paragraph provides how it shall be expended. It might be that the Committee on Appropriations would not have recommended the appropriation of \$51,000 except on condition that it be expended in this manner. The method of expenditure is a natural condition that may have



influenced the judgment of the committee in a large degree in recommending the appropriation. So I think they are connected. They are interdependent.

Mr. CANNON. There are two items of appropriation. One has been read and the other has not. The Chair will see that the first one is for repairs, for improving the ventilation of the Hall and corridors, including a new floor for the Hall and the installation of new ventilating and heating apparatus, the ventilation of the House restaurant and kitchen, etc. According to the gentleman's idea any appropriation for repairs or care or maintenance would be subject to a point of order, if this is subject to a point of order.

Mr. CRUMPACKER. Will the gentleman allow a question?

Mr. CANNON. Certainly.

Mr. CRUMPACKER. If this subject is not within the jurisdiction of the Committee on Ventilation and Acoustics, will the gentleman state a proposition or a case that would go to that committee?

Mr. MOODY of Massachusetts. Appropriations do not go to that committee.

Mr. CANNON. The gentleman from Massachusetts has well answered. Appropriations are not under the jurisdiction of that committee. It is the jurisdiction of that committee, I suppose, to investigate and recommend legislation upon ventilation and acoustics where legislation is necessary, but there is no legislation necessary here. This is to deal with the status. This merely abounds in appropriation and care for that which we have.

Mr. CRUMPACKER. Mr. Chairman, it occurs to me that if the chairman of the Committee on Appropriations [Mr. CANNON] is correct in his attitude, there is absolutely no work for the Committee on Ventilation and Acoustics to do, because that subject necessarily pertains to public buildings; and if the Committee on Appropriations may determine the necessity for a change in the ventilation or acoustics of a public building and may make an appropriation for it, why there is certainly nothing left for the other committee to do. It seems to me the rules of the House have, by express provision, given jurisdiction of this entire subject to that particular committee, and when that committee makes recommendations then the Committee on Appropriations may take the recommendation and make the appropriation.

Mr. CANNON. Oh, no.

Mr. CRUMPACKER. But here the Committee on Appropriations have found the necessity, have determined for themselves a fact that ought to have been submitted to the other committee; have determined that there is a necessity for the improvement of the ventilation and the acoustics of the Hall; have determined that fact, and have made the appropriation. They have assumed the power and the right, it seems to me, of the other committee. That committee ought to have determined the first fact, and then the Committee on Appropriations might have made the appropriation for it if it saw fit.

Mr. CANNON. Now, if my friend will allow me—

The CHAIRMAN. The Chair desires to ask the gentleman from Indiana a question. If the Committee on Ventilation and Acoustics desired to make recommendations for a change of existing law, would it not be competent to do so; but is it not the duty of the Committee on Appropriations to make appropriations covering these very subjects, as it does for other public buildings, the White House, and others?

Mr. CRUMPACKER. In answer to the question it occurs to me and my recollection is that there is no law at all on the subject of ventilation. There is no general statute on the subject. If it be the case, as suggested by the Chair, that committee is a super-numerary affair. The subject of rearranging or providing for the ventilation of public buildings is not contained in any public statute at all, but the House in its wisdom, by an express provision of the rule which I will read presently, has conferred jurisdiction over that subject upon this particular committee. Subdivision 41 of Rule XI provides that bills and resolutions pertaining to ventilation and acoustics shall go to the Committee on Ventilation and Acoustics.

Suppose a resolution were introduced in the House providing for the rearrangement of the House or of the provision for ventilation, the first thing to determine would be whether the resolution should go to the Committee on Ventilation and Acoustics; and if it should, it would recognize the necessity of some initiatory legislation in order that an appropriation might first be made.

Mr. MOODY of Massachusetts. If the gentleman will permit a suggestion, the thought in his mind, if I understood him aright, is that it is wise for us to consider the question of the rearrangement of the interior of this Hall.

Mr. CRUMPACKER. That is the object I had in raising this point of order.

Mr. MOODY of Massachusetts. I sympathize entirely with the gentleman, as he may know. I think we ought to do it, and I have this practical suggestion to make to him: It is very evident that an amendment to the next section to the one under consideration might bring that question before the House, and it evidently will

never come here in any other way. Of course no one wants such an important question as that voted on at this time; but suppose, for instance, that in the next section we could test the sense of the House by adding after the word "furniture," in line 22, "not including desks for the members." Of course that would be a rearrangement of the House, but it would give the members of the House an opportunity to vote upon that question.

If, for instance, they should say "no more desks," it would at once lead, before this session closes, to the consideration of the question whether this House should be physically rearranged or not. My own fear is that the majority of the members will desire to continue the present conditions, but I think those of us who would like a change ought to have an opportunity of having our say about the matter and voting upon the matter by some such amendment as that. It seems to me that privilege could be accorded to us. Of course none of us would want to see a vote on that question with the number of members present now.

Mr. CRUMPACKER. In that connection, Mr. Chairman, I submit this suggestion: Suppose these paragraphs be read and the point of order be carried over until to-morrow. Then a proposition to amend might be submitted and discussed under the rule, and the House be permitted to determine the question when there is a larger attendance. If the gentleman in charge of the bill will consent to that, I should like to have it go over.

Mr. CANNON. I will add this: I will consent to the paragraph being read. I do not believe it is subject to the point of order, and I want to get by that; but I am perfectly content, after the paragraphs are read, to ask unanimous consent that they be passed over for amendment and consideration to-morrow.

Mr. CRUMPACKER. If the suggestion of the gentleman from Massachusetts [Mr. MOODY] is not acted upon, it is my purpose to make a motion to strike out this paragraph with a view to raising this identical question.

Mr. CANNON. The gentleman's amendment would be quite in order. It would be a limitation upon an expenditure and would undoubtedly be in order.

Mr. CRUMPACKER. It might be in order, and yet it might not accomplish what I desire.

Mr. CANNON. Well, the gentleman may move to strike out, of course. That amendment is in order.

Mr. CRUMPACKER. With the understanding that we can return to these paragraphs, I am perfectly content.

Mr. CANNON. Very well; but I do not want it to go over with the point of order pending.

The CHAIRMAN. The Chair thinks the point of order is not well taken and will overrule it.

Mr. CANNON. Then I ask that the next section be read.

The CHAIRMAN. The Clerk will read the next paragraph.

The Clerk read as follows:

For refurnishing the Hall of the House of Representatives and the Speaker's rooms, and for furniture for the new committee rooms in the old library portion of the building, \$58,000, to be immediately available and to be disbursed by the Clerk of the House of Representatives.

Mr. CANNON. I desire to offer the following amendment for the purpose of getting it in the RECORD.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 60, after line 23, insert:

"For refitting fire room of the House of Representatives with metal fire-proof cases, \$12,500."

The two foregoing appropriations shall be expended under the direction and supervision of a commission consisting of three members-elect to the House of Representatives of the Fifty-seventh Congress, to be appointed by the Speaker of the House of Representatives of the Fifty-sixth Congress.

Mr. CANNON. Now, Mr. Chairman, I ask unanimous consent that we may pass these items, from line 15, page 60, to line 5, page 61, inclusive, and return to them.

The CHAIRMAN. The question is on the request of the gentleman from Illinois. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Depredations on public timber, protecting public lands, and settlement of claims for swamp lands and swamp-land indemnity: To meet the expenses of protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands, and indemnity for swamp lands, \$125,000: *Provided*, That agents and others employed under this appropriation shall be selected by the Secretary of the Interior, and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding \$3 per day each and actual necessary expenses for transportation, including necessary sleeping-car fares.

Mr. MANN. Mr. Chairman, I wish to raise the point of order upon the proviso of that paragraph.

Mr. CANNON. I wish the gentleman would state his point.

Mr. MANN. It is plainly new legislation, so far as this bill is concerned. It is not covered and it can not be covered by any legislation already existing. If it could be, or were, it would not be in this bill. If the law provides for the method of the appointment



of agents and other employees to be selected by the Secretary of the Interior, we might just as well provide for the employment of all other employees of the Government.

Mr. CANNON. Well, now, I will say to the gentleman and to the Chair that this is precisely the language that has run in this bill for many years, and is in the nature of a limitation on the expenditure of the money appropriated, being for "a public object in progress" and for the protection of the public property, namely, as against the depredations upon the public timber, etc., and the lodging and the settlement of claims for swamp lands and swamp-land indemnities, which is a service, as the Chair will recollect, authorized by law, arising out of legislation in Illinois and in many other States in connection with the act of 1850, granting land to the States.

The CHAIRMAN. The Chair would like to ask the gentleman from Illinois how are these agents selected within the proviso providing that they shall be selected by the Secretary of the Interior?

Mr. CANNON. Just as they have been, precisely.

The CHAIRMAN. Existing law, is it?

Mr. CANNON. Existing law as it is now and has been for years past.

Mr. MANN. Mr. Chairman, if the existing law does provide the same method for the selection of these employees, of course a point of order would not lie, and this proviso in the bill would be absolutely useless. But I take it that the provisions to which the gentleman refers upon this subject specifically relate to prior appropriation bills. If this proviso is put in as a limitation, I think it is plainly not a limitation upon the appropriation. Any previous provision that would apply to a previous appropriation would be a limitation upon that appropriation, but not an existing law authorizing the insertion of a provision in an appropriation bill.

Mr. CANNON. I would suggest if it were not for this restriction here as to what he paid his agents he might pay them \$10 a day.

Mr. MANN. I have no objection to that part of the provision at all. I think it is a limitation, and that may be proper; but the provision authorizing the Secretary of the Interior to appoint the employees is absolutely new legislation as to this appropriation.

Mr. CANNON. On the contrary, for the last three years past it has been the case.

Mr. MANN. Ah, but the gentleman's point is this: Every one of these laws that have been passed have provided for the agents and others employed under this appropriation?

Mr. CANNON. Precisely.

Mr. MANN. But here is a proviso referring to a new appropriation. There is no law upon the statute books which in any way authorizes the employment of agents by the Secretary of the Interior to be paid out of this proposed appropriation, and so it is new legislation, and it is put in here because the gentleman well knew that the law in existence would not apply to the appropriation bill before the House or to an appropriation which will be carried in this bill if enacted into law.

Mr. CANNON. I am content that the Chair should rule.

The CHAIRMAN. The Chair is constrained to hold the point is well taken. The language of the proviso clearly states that agents and others employed under this appropriation shall be selected by the Secretary of the Interior. That is new legislation, and the Chair will sustain the point of order.

Mr. CANNON. The whole proviso goes out.

The Clerk read as follows:

Protection and administration of forest reserves: To meet the expenses of executing the provisions of the sundry civil act approved June 4, 1897, for the care and administration of the forest reserves, to meet the expenses of forest inspectors and assistants, superintendents, supervisors, surveyors, rangers, and for the employment of foresters and other emergency help in the prevention and extinguishment of forest fires, and for advertising dead and matured trees for sale within such reservations: *Provided*, That forestry agents, superintendents, and supervisors, and other persons employed under this appropriation, shall be selected by the Secretary of the Interior wholly with reference to their fitness and without regard for their political affiliations, and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding \$3 per day each, and actual necessary expenses for transportation, including necessary sleeping-car fares, \$300,000: *Provided further*, That forest agents, superintendents, supervisors, and all other persons employed in connection with the administration and protection of forest reservations shall, in all ways that are practicable, aid in the enforcement of the laws of the State or Territory in which said forest reservation is situated in relation to the protection of fish and game.

Mr. MANN. Mr. Chairman, I raise the point of order as to the proviso of that section, down to the words "three hundred thousand dollars." That is absolutely new legislation.

Mr. CANNON. I think if the former was subject to a point of order the words commencing with "provided," in line 22, down to "sleeping-car fares" is subject to it.

Mr. MANN. Line 5, of page 63—

Mr. CANNON. I suppose that is subject to the same point of order.

The CHAIRMAN. The Chair will sustain the point of order.

The Clerk commenced to read "Expenses of hearings in land entries."

Mr. NEWLANDS. Mr. Chairman, may I inquire whether a point of order was made regarding forest reserves?

The CHAIRMAN. The point of order was made against line 22, page 62.

Mr. NEWLANDS. And what was the ruling of the Chair?

The CHAIRMAN. The ruling of the Chair is that the proviso is new legislation.

Mr. NEWLANDS. But did the chairman of the committee admit the point of order?

Mr. CANNON. No. The chairman of the committee in his feeble way combated the point of order upon a similar proviso, but unfortunately the chairman of the committee's colleague from Illinois, the gentleman from Chicago, and the Chairman of the Committee of the Whole House were prejudiced, I think, upon this question, and the Chair sustained the point of order. And therefore it was useless to contest further, because this was similar in principle.

Mr. NEWLANDS. Well, Mr. Chairman, I heard the point of order made, and I supposed the Chairman would contest it vigorously, and in the hubbub and confusion here I find the ruling had been made before the House realized it. Now, I wish to appeal to the gentleman from Illinois to withdraw his point of order, for I do not think he understands this question of forest preservation. The entire country has now determined that it is one of the most important public questions affecting our development.

Mr. MOODY of Massachusetts. Will the gentleman from Nevada permit an interruption?

Mr. NEWLANDS. Certainly.

Mr. MOODY of Massachusetts. I do not think the gentleman heard what occurred. The point of order only strikes out the method of selecting the officers.

Mr. NEWLANDS. Then it leaves in the appropriation?

Mr. MANN. It leaves in the appropriation, and the officers will be selected. The gentleman can possess his soul in peace.

Mr. NEWLANDS. I am obliged to the gentleman.

Mr. STEELE. It seems that the gentleman from Nevada only cares for the appropriation. [Laughter.]

Mr. NEWLANDS. I want the appropriation; yes.

Mr. STEELE. And the old flag. [Laughter.]

The Clerk read as follows:

For necessary expenses of survey, appraisal, and sale of abandoned military reservations transferred to the control of the Secretary of the Interior under the provisions of an act of Congress approved July 5, 1884, and any law prior thereto, including a custodian of the ruin of Casa Grande, \$8,000.

Mr. CANNON. Mr. Chairman, we have now reached the title of "Geological Survey," and I apprehend there will become amendments offered touching this paragraph. I desire, on a motion to strike out the last word, to crave the attention of the committee for a very few minutes and ask the privilege of printing a table, which I will insert at the close of my remarks, showing the estimates for the coming fiscal year as officially submitted, and the status of appropriations that have passed the House and Senate and the House only, where they have so passed, and an estimate of those that have not passed, and the aggregate thereof, and also the aggregate appropriations for last year.

I am led to do this from the fact that there has been in another body in the Capitol much of lofty declamation and protestation, so far as I may parliamentary refer to it, touching economy and extravagance, and I may say also of guessing, perhaps there and here also, where one influential member would guess against another as to how many millions, or tens of millions, or hundreds of millions of dollars were being appropriated for the service for the coming fiscal year.

Now, I want to say in the light of these tables—and I caused them to be made with very great care, and by one whom I think knows more of the public service, and perhaps when he puts pen to paper comes more nearly to absolute correctness than any other man in the country—the sums, Mr. Chairman, appropriated and the legislation that is being enacted from time to time is bad enough, but I do not see any necessity for magnifying undesirable conditions. For instance, the aggregate of the estimates, excluding the sinking fund, for the coming fiscal year, all told, in round numbers, is \$720,000,000.

If you include the sinking fund, it is \$773,000,000. Now, you can take all the bills that have passed the House, not many of them have been enacted, and take the deficiency bill, which is prepared and almost ready to be reported to the House, and take the sundry civil bill, which is now pending, and they aggregate, including the permanent appropriations and the appropriations for the postal service, also excluding the sinking fund, six hundred and ninety-four millions, in round numbers.

Now, it may be a little less when they come to be enacted into law, or a little more than that, but that gives the present status. If you include the sinking fund, which is sometimes paid and sometimes not paid, sometimes is overpaid, and really has no place in



the statement except for the purpose of comparison, you would have to add \$33,000,000 to that. So that you have, including the postal service, the river and harbor, the miscellaneous expenses, fairly and generously estimated, \$694,000,000 in round numbers as against \$657,000,000 in round numbers appropriated a year ago for the current fiscal year.

I say again, that includes the permanent appropriations, it includes the deficiency, it includes the river and harbor, and the naval and the postal services. Now, gentlemen will see that there is a wide difference between \$694,000,000 and \$800,000,000, and \$900,000,000, and a round billion. Six hundred and ninety-four million dollars is a pretty large sum. I wish it were less. Now, the amount appropriated for the same purpose, excluding the sinking fund, last year was \$657,000,000 in round numbers. Subtract fifty-seven millions from ninety-four millions and you have a difference of \$37,000,000, that by this statement the appropriations will exceed for the coming fiscal year the appropriations for the current year.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MOODY of Massachusetts. Mr. Chairman, I ask that the gentleman be permitted to conclude his remarks.

The CHAIRMAN. The gentleman from Massachusetts asks that the gentleman from Illinois be permitted to conclude his remarks. Is there objection?

There was no objection.

Mr. CANNON. I will now yield a moment to my colleague.

Mr. BOUTELL of Illinois. What were the actual expenditures?

Mr. CANNON. I am coming to that.

Now, I call the attention of the committee to the fact that three of the regular appropriation bills and the river and harbor bill show substantial increases which amount to more than the whole apparent increase—that is, the difference between the appropriations for the current year and those for the coming year, according to the present status. Those are the Army bill, \$3,627,000; the naval bill, \$13,598,000; the Post-Office bill, \$10,124,000; the river and harbor bill, \$22,242,000, making an aggregate of \$49,492,000 over the appropriations for the current year.

Gentlemen will see at once that this amount—\$12,000,000—explains all the difference between the current year and the coming year, and twelve millions more, whereas the pending bill, which we are considering to-day, the sundry civil bill, makes a reduction of \$5,616,000 over the bill for the current year. On account of permanent appropriations a reduction is apparent of \$8,354,000.

Under the funding of the public debt provided for by the legislation of the last session a reduction in the amount of the annual interest charge has been made, as estimated for on account of the next fiscal year, of \$9,400,000, as compared with the amount carried for the current year in the annual estimates for permanent appropriations, while for deficiencies, based upon all estimates now before Congress, there is indicated a reduction of at least two and a half million dollars, which will practically offset the increases made by all the other regular annual bills which have not been mentioned.

Gentlemen may say that in the Senate the river and harbor bill is to be greatly increased. In reply to that suggestion I say it can not be increased except by the assent of this House. Gentlemen may say that in the Senate by amendment the naval bill may be increased or decreased. It can not be either decreased or increased except by the assent of the House, which is the popular body and goes to the people every two years for indorsement. In my own judgment the river and harbor bill ought to be decreased instead of increased. I only refer to that bill for a moment. It was an enormously large bill in appropriation and authorization when it passed the House.

In my judgment it was a good bill in general; it sinned in its enormous aggregate. I think, perhaps, we might have left something touching rivers and harbors, and perhaps touching the Navy, too, for the next Congress to do. The Senate sends back the naval bill striking out practically the four ships, to cost in round numbers \$25,000,000. Later on the House will have to pass on that question, because, while it went to conference, the conferees agreed that it should come back and that the House should have an opportunity to pass upon that amendment. "Sufficient unto the day is the evil thereof," although it seems to me that under all the conditions, in view of the great shipyards full of work and all the vessels that have been authorized, I can well, for myself at least, express the hope that the further authorization of construction of great cruisers and battle ships may be postponed until another year.

I want to ask, in reference to the appropriation bills yet to be enacted as they shall be amended, the careful, patriotic, business-like attention of this side of the House. Gentlemen, the responsibility is on us. We have got to work it out very largely, if it be worked out. Without scolding the other side of the House, who are in the minority, I want to say pleasantly, but pointedly, that in all my experience and recollection of service in the House of

Representatives I have never known a great minority to be more constant in wordy demonstration for economy and less efficient in holding up the hands of those who are trying to enforce economy than is the present minority. [Laughter and applause on the Republican side.]

I dare say that if I were a mind reader I could perhaps truthfully say for some of my good friends upon the minority side, "Let us have the record show the protest, but let us in no way embarrass the largest possible appropriation." Yes; but I do not agree with some of our friends over there. I want to talk to some of the members on the other side. I do not think—I will be entirely frank—that there is any great difference between the personnel on that side and on this side, so far as good manhood and good citizenship and patriotism are concerned. But we all understand that this is a Government through parties.

I have sometimes thought that we in this House of Representatives were shortsighted. One object of a party is that it shall be responsible for the conduct of affairs while it is clothed with power. To embarrass the party in power when it comes to questions of proper appropriation, it seems to me, while it may do hurt to the party that is embarrassed, will, after all, contribute nothing in the way of credit or renown to the minority that helps to embarrass; because when the balance sheet comes to be made up, Congress—the House and the Senate—and the President are responsible. So that the longer I live and serve in the House of Representatives from year to year, the less of partisanship I have in matters of appropriation; and I trust that this condition will increase with me as my service may perchance continue in the House of Representatives.

Mr. McDERMOTT rose.

Mr. CANNON. I yield to my friend from New Jersey.

Mr. McDERMOTT. I desire to say to the gentleman from Illinois that I believe I am a representative of the minority when I say that if he would get entirely outside of the church that he is a member of we would be glad to aid him in throwing bricks at it. The trouble is that he remains within it while preaching to those outside concerning the badness of those on the inside who are his fellow-members. [Laughter.]

Mr. CANNON. After all, I submit to my friend that in the suggestion he has just made there may be more of partisanship than he himself realizes.

This is a Government through parties, and the party in power from time to time is responsible, and it is the function of the minority party to curb the majority, to criticize it, and if it makes mistakes to appeal to the country for its overthrow; but I do not believe, and I have not for many years believed, that it is the function of the minority party in Congress to so conduct itself that it will apparently keep the record straight while it smites economy and wise appropriations under the fifth rib.

Now, perhaps I have said enough about that part of the situation. I am not asking undue favors from that side of the House. I know I will have the loyal cooperation of some of the minority, who will cooperate in all properly directed efforts toward the protection of the Treasury against improper appropriations. I will conclude this branch of the discussion by saying again to this side of the House that the responsibility, after all, is upon us.

Now I want to say a word about appropriations and expenditures.

Mr. BURKE of Texas. Before the gentleman leaves that line, will he permit a question?

Mr. CANNON. Certainly.

Mr. BURKE of Texas. The gentleman has been suggesting a course for the minority. Would the gentleman inform the House and the country wherein the minority during the present session of Congress have interposed any cautious objections to the legitimate expenses of the Government?

Mr. CANNON. Well, it is not so much that as it has seemed to me from time to time, in rising up in Committee of the Whole, and by voting or refraining from voting, and by vigorous denunciation or the want of vigorous denunciation—it has seemed to me from time to time that perhaps the minority have not resisted appropriations that might well be omitted, where the majority is somewhat divided touching the appropriations that may be considered. I will say again it is not that you have resisted proper appropriations, but I have sometimes wished that you would stand with a portion of the majority on this side in resisting attempted improper appropriations.

Mr. WILLIAMS of Mississippi. Will the gentleman indicate them?

Mr. CANNON. Oh, no; I do not desire to indicate them. I am speaking to the brethren on both sides of the House. [Laughter.] It is not necessary for me to indicate them; you know. Sometimes when one comes to say, "Thou art the man," why possibly one may be mistaken in criticism, and it is always unpleasant.

Mr. NEWLANDS. I would like to ask the chairman of the committee what has caused the large increase in the expenditures during the past three years?



Mr. CANNON. I am coming to that.

Mr. NEWLANDS. I would like to have the gentleman's answer now, because I propose to follow that up with another question.

Mr. CANNON. I will come to that and then yield to my friend further on.

Mr. NEWLANDS. I call the gentleman's attention to this fact, if he will permit me, and it will save him and me the trouble of interrupting him later.

Mr. CANNON. Yes.

Mr. NEWLANDS. I believe this large increase in the expenditures of the Government has been caused by the extraordinary war expenditures, and that they are exhibited in the naval appropriation bill and the Army appropriation bill and are almost entirely confined to the expenses of the war. Now, I ask the gentleman whether he expects the members on this side of the House to refuse to demand appropriations for the normal and healthy development of this country in order to enable the gentleman to put his hands further into the Treasury for the prosecution of a war which endeavors to maintain and sustain an empire abroad rather than to develop a domestic empire at home. [Applause on the Democratic side.]

Mr. CANNON. Now, I will say to my friend that a large portion of this increase of appropriations grows out of the war with Spain, but I will say further to my friend that as an humble member of the House of Representatives I stood for days and weeks halting upon a declaration of war with Spain [applause on the Republican side] while my friend and his side of the House were absolutely fierce morning, noon, and night, when they declared for war, war, war!

Mr. NEWLANDS. Let me call the gentleman's attention to the fact that the war with Spain is ended and I am now speaking of the war that we are prosecuting to-day.

Mr. CANNON. Certainly the war with Spain has ended. I say again, we stood combating as best we could, some of us, upon this side, the declaration of war with Spain; but when it came, from the unfortunate destruction of the *Maine*, every man that was required and every dollar that was required to be appropriated or gathered by the way of taxation under the lead of the Republican side of the House was levied and appropriated for the purpose of upholding the flag and bringing the war with Spain to a successful conclusion. [Applause on the Republican side.] Was there a revenue bill to pass? We passed it, with my friend voting "no."

Mr. NEWLANDS. Will my friend permit me to explain that? [Derisive laughter on the Republican side.]

A MEMBER on the Republican side. It needs explanation.

Mr. NEWLANDS. I will say that I voted against the war-revenue bill because it imposed the burden of this war upon the consumption of the country in the shape, practically, of a per capita tax instead of upon the wealth of the country. I was for the war and I was for giving the revenue to maintain that war, but I was not for placing the burdens of that war upon the great masses of the people and exempting the wealth of the country. [Applause on the Democratic side.]

Mr. CANNON. Yes; my friend reminds me of an Illinois politician of an early date, away back in the last generation. Somebody asked him, "Now, Tom, are you for that law?" "Yes," said he, "by hokey, I am for the law, but agin its enforcement." [Laughter on the Republican side.] The gentleman was for the war, but against the legislation necessary to bring it to a successful conclusion.

Mr. WILLIAMS of Mississippi. Will the gentleman from Illinois permit an interruption?

Mr. CANNON. Well, I would rather finish with my friend from Nevada first, and then I will.

Mr. WILLIAMS of Mississippi. Finish with your friend from Nevada, then, first.

Mr. CANNON. My friend said there was peace made with Spain. Yes; but when you enter upon any war no man can tell the ending thereof in its consequences, and as we did have a war and acquired the territory, as one member of Congress, and as one individual citizen of the United States, I stand ready to cooperate with my party or any party for meeting the consequences of that war, and if it requires an army, give it. If it requires a navy, give it. [Applause on the Republican side.]

Now, I desire to speak a moment about the expenditures, for, after all, appropriations are one thing and expenditures are another. Take the fiscal year 1897, the appropriations, including fifty millions for the sinking fund, amounted to \$575,000,000. That was the amount of the appropriations. The expenditures were \$448,000,000. You see, the appropriations were \$87,000,000 more than the expenditures. In the year 1898 the appropriations, including the \$51,000,000 for the sinking fund, amounted to \$528,000,000, and the expenditures to \$552,000,000. A small apparent increase of expenditure over appropriation, growing out of the war, which was commenced, as the gentlemen will recollect, in 1898.

In the Fifty-fifth Congress, for the fiscal year 1899, the appropriations, including the sinking fund, were \$893,000,000, whereas the expenditures, including \$34,000,000 for the sinking fund, were \$700,000,000, leaving \$193,000,000 unexpended. So, you see, appropriations are one thing and expenditures are another. For the year 1900, last year, the appropriations, including the sinking fund, were \$874,000,000, and the expenditures, including \$56,000,000, which more than made the sinking fund good, were \$646,000,000, the expenditures being \$28,000,000 less than the appropriations. And from the most careful examination that I have been able to have made, taking one year with another, under normal conditions, the expenditures run from forty to sixty million dollars less than the appropriations.

Now, somebody asked if it was not war that made all this great increase. No; not all this great increase. The war with Spain was responsible for much of it, and the war with Spain will be responsible for great appropriation and expenditure when you and I have passed out of this Hall and have died and been forgotten; but I fancy somebody asks how much of the expenditures have been caused by the war. I can not say, except up to and including the last Congress.

In the Fifty-fifth Congress the appropriations caused by the war were \$482,562,083.47, and in the first session of the Fifty-sixth Congress, that is this Congress, \$131,247,155.32, making a total of appropriations as nearly as can be arrived at, that were made on account of the war with Spain, of \$613,809,238.79. Then we waked up to the fact by going through that war that we had no sufficient Navy, and without regard to the newly acquired territory, taking our place with the nations of the world, our people demanded a sufficient Navy. And when a battle ship costs six or seven million dollars and wears out in twenty years, and costs for repairs in twenty years 5 per cent a year, the gentleman will see at once that a navy costs money.

Now, there is another line of expenditures that has greatly increased, and when I have stated that I will take my seat.

Under Mr. Cleveland's Administration we were down in the valley of desolation of hard times. It was seemingly almost an everlasting grind.

Mr. BENTON. Please do not charge that against anybody.

Mr. CANNON. You explain that one way, and we Republicans explain it another way. The condition of things was so bad that our Democratic friends turned around and trampled under foot and spat upon the child of their own loins.

Mr. BENTON. Then do not charge it to us.

Mr. CANNON. I am not charging it to you. I think, however, with due respect, speaking from the political standpoint, he is the most creditable thing that has happened to you. [Laughter on the Republican side.]

Mr. BENTON. Well, you indorse him. Do not charge him to us.

Mr. BURKE of Texas. You are speaking from the Republican standpoint.

Mr. CANNON. Well, we were not responsible. We protested that you were. Now, sometimes you builded better than you knew. But all business was at the minimum. Take, for instance, the Post-Office Department. The gentleman from California [Mr. LOUD], chairman of the Committee on the Post-Office and Post-Roads, is here; I will ask him what was the amount of the appropriations in 1896?

Mr. LOUD. Eighty-nine million dollars.

Mr. CANNON. In 1896 the appropriations for the Post-Office were \$89,000,000. In 1897 they were \$92,000,000. For the coming year they are \$123,000,000.

That is 30 or 35 per cent increase; and that measures the increase of business and expenditure of seventy-six or seventy-seven millions of people. What is true as to the Post-Office fairly approximates the increase all along the line, that is defensible—the legitimate increase all along the line for the public service. A great increase, as the gentlemen can see at once. Of course men may pose and cry "so many millions of dollars!" But there is an increase in business and an increase in population, and when individuals are doing well and the aggregation of individuals making the Government are doing well, the danger is that while this increase—a legitimate increase of 30 per cent, in round numbers—can fairly be given, some one who loves "the old flag and an appropriation," for his good, and perchance for the political good of the minority, but not for the good of the whole people, will get in his work.

It is our business, gentlemen, upon this floor, especially to us on this side, to see that every dollar of money is appropriated to meet the necessary expenditures of the Government, including the increases for the change of times between Cleveland and McKinley; but it is also our duty to see to it vigorously that not one dollar more than is necessary is appropriated. [Loud applause.] I ask unanimous consent to extend my remarks by the insertion of certain tables.

There was no objection.



The tables are as follows:

Title.	Estimates, 1902.	Appropriations this session as indicated by present status of the bills Feb. 15, 1901.	Appropriations, 1900-1901.
Agriculture .....	\$4,669,050.00	*\$4,488,900.00	\$4,023,500.00
Army .....	113,019,044.21	+117,847,749.10	114,220,095.55
Diplomatic and consular .....	1,897,638.76	+1,808,808.76	1,771,168.76
District of Columbia .....	9,080,703.94	+8,869,049.94	7,577,809.51
Fortification .....	12,461,193.00	+7,227,461.00	7,583,628.00
Indian .....	9,250,571.09	+9,966,777.20	8,197,989.24
Legislative, etc .....	25,369,509.43	+24,506,107.80	24,175,652.53
Military Academy .....	1,045,750.18	+772,653.68	674,306.67
Navy .....	87,172,430.76	+78,738,973.75	65,140,916.67
Pension .....	145,245,230.00	\$145,245,230.00	145,245,230.00
Post-Office .....	121,267,349.00	+123,782,688.75	113,658,238.75
River and harbor .....	25,130,000.00	+22,802,711.30	560,000.00
Sundry civil .....	63,378,113.87	+59,703,264.09	65,319,915.45
Total .....	619,016,584.24	605,760,375.37	557,948,010.93
Deficiency, 1901, and prior years .....	15,000,000.00	\$13,000,000.00	15,688,330.61
Total .....	634,016,584.24	618,760,375.37	573,636,341.54
Miscellaneous .....	15,000,000.00	\$4,000,000.00	3,802,301.34
Total, regular annual appropriations .....	649,016,584.24	622,760,375.37	577,438,642.88
Permanent annual appropriations .....	124,358,220.00	124,358,220.00	132,712,220.00
Grand total, regular and permanent annual appropriations .....	773,374,804.24	747,118,595.37	710,150,862.88
Total, if sinking fund requirements (\$53,000,000) be deducted .....	53,000,000.00	53,000,000.00	53,000,000.00
	720,374,804.24	694,118,595.37	657,150,862.88

\* As reported to the Senate.

+ As passed by the House.

† As passed by the Senate.

\$ As passed by both Houses.

† As reported to the House.

‡ Estimated.

Amount of estimated revenues for fiscal year 1902 ..... \$600,000,000.00  
Amount of estimated postal revenues for fiscal year 1902 ..... 116,633,042.00

Total estimated revenues for fiscal year 1902 ..... 716,633,042.00

The statement indicates an apparent increase of appropriations at this session over those made at the last session of \$39,967,732.49.

Three of the regular annual appropriation bills and the river and harbor bill show substantial increases, which amount to more than the whole apparent increase, namely:

The Army bill ..... \$3,627,653.55  
The naval bill ..... 13,598,067.08  
The Post-Office bill ..... 10,124,450.00  
The river and harbor bill ..... 22,242,711.30

Total ..... 49,492,871.93

The pending sundry civil bill makes a reduction of \$5,616,651.36.  
On account of permanent appropriations a reduction is apparent of \$8,354,000.

Under the funding of the public debt, provided for by the legislation last session, a reduction in the amount of the annual interest charge has been made, as estimated for on account of the next fiscal year, of \$9,400,000, as compared with the amount carried for the current year in the annual estimates for permanent appropriations.

For deficiencies, based upon all estimates now before Congress, there is indicated a reduction of at least \$2,500,000, which will practically offset the increases made by all the other regular annual bills which have not been mentioned.

#### Appropriations and expenditures, 1897-1900.

##### FIFTY-FOURTH CONGRESS.

Fiscal year 1897:  
Appropriations, including \$50,000,000 sinking fund ..... \$515,845,194.57  
Expenditures, including \$252,092.02 sinking fund ..... 448,691,714.32  
67,153,480.25

Fiscal year 1898:  
Appropriations, including \$51,000,000 sinking fund ..... 528,735,079.30  
Expenditures, including \$39,750 sinking fund ..... 532,420,951.35  
Apparent excess expenditures over appropriations ..... 3,314,127.95

##### FIFTY-FIFTH CONGRESS.

Fiscal year 1899:  
Appropriations, including \$51,000,000 sinking fund ..... 893,231,615.55  
Expenditures, including \$34,566.94 sinking fund ..... 700,128,130.06  
193,103,484.59

Fiscal year 1900:  
Appropriations, including \$53,000,000 sinking fund ..... 674,981,022.29  
Expenditures, including \$56,544,536.06 sinking fund ..... 646,612,907.06  
28,368,115.23

Mr. CANNON. I now move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOPKINS, Chairman, reported that the Committee of the Whole House on the state of the Union had had under consideration the bill H. R. 14018, and had come to no resolution thereon.

#### RETURN OF BILL FROM THE PRESIDENT.

The SPEAKER laid before the House the following request of the Senate; which was considered, and agreed to:

*Resolved by the Senate (the House of Representatives concurring).* That the President be requested to return to the Senate the bill of the Senate 1203, granting an increase of pension to Lewis S. Horsey.

#### NATIONAL SOCIETY OF UNITED STATES DAUGHTERS OF 1812.

The SPEAKER also laid before the House the bill (H. R. 8067) incorporating the National Society of United States Daughters of 1812, with Senate amendments; which were read.

The SPEAKER. What action does the Committee on the District of Columbia desire to take on that bill?

Mr. JENKINS. I am not familiar with it, Mr. Speaker.

Mr. PAYNE. What is the bill, Mr. Speaker?

The SPEAKER. The Clerk will report the bill again by its title.

The Clerk read as follows:

A bill (H. R. 8067) incorporating the National Society of United States Daughters of 1812.

Mr. JENKINS. I move that the House concur in the Senate amendments.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WILLIAMS of Mississippi. Division, Mr. Speaker.

Mr. JENKINS. Mr. Speaker, I withdraw the motion, and ask that this bill lie on the Speaker's table.

There was no objection, and it was so ordered.

#### DELINQUENT CHILDREN.

The SPEAKER also laid before the House the bill (H. R. 13067) to enlarge the powers of the courts of the District of Columbia in cases involving delinquent children, and for other purposes, with Senate amendments, which were read.

Mr. JENKINS. Mr. Speaker, I move that the House disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Wisconsin moves to disagree to the Senate amendments, and ask for a conference.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. WILLIAMS of Mississippi. Division, Mr. Speaker.

The House divided; and there were—ayes 31, noes 12.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I shall not make the point of order concerning this particular motion, but if the performance continues any further I shall do it.

So the motion to nonconcur was agreed to.

The SPEAKER. The Chair appoints the following conferees: Mr. BABCOCK, Mr. JENKINS, and Mr. MEYER of Louisiana.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 42 minutes p. m.) the House adjourned.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Postmaster-General submitting estimates of deficiencies—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Navy submitting an estimate of deficiency in appropriation for pay of the Marine Corps—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War relating to printing additional copies of report of the Deep Waterways Board—to the Committee on Printing.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SOUTHARD, from the Committee on Coinage, Weights, and Measures, to which was referred the bill of the House (H. R. 9345) to provide for the coinage of certain memorial half dollars for the benefit of the Washington Monument Association of Alexandria, Va., reported the same with amendment, accompanied by a report (No. 2906); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JENKINS, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 14147) to amend an act entitled "An act to authorize the Washington and Gettysburg Railway Company, of Maryland, to extend its line of



road into and within the District of Columbia," approved March 3, 1899, reported the same without amendment, accompanied by a report (No. 2908); which said bill and report were referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12270) granting an increase of pension to Richard A. Lawrence, reported the same with amendment, accompanied by a report (No. 2907); which said bill and report were referred to the Private Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. PEREA: A bill (H. R. 14227) to protect ancient ruins on the public domain—to the Committee on the Public Lands.

By Mr. GAINES: A bill (H. R. 14228) to authorize the city of Nashville, Tenn., to construct a free public bridge across the Cumberland River within the corporate limits of said city—to the Committee on Interstate and Foreign Commerce.

By Mr. MIERS of Indiana: A bill (H. R. 14229) to establish a pension court, and for other purposes—to the Committee on Invalid Pensions.

By Mr. RIDGELY (by request): A bill (H. R. 14233) to regulate commerce and industry—to the Committee on Reform in the Civil Service.

By Mr. HEATWOLE: A joint resolution (H. J. Res. 306) concerning printing of additional copies of the Annual Report of the Geological Survey—to the Committee on Printing.

By Mr. MUDD: A joint resolution (H. J. Res. 307) authorizing the President of the United States to appoint a commission to examine and report upon a route for the construction of a free and open waterway to connect the waters of the Chesapeake and Delaware bays—to the Committee on Rivers and Harbors.

By Mr. BELL: A resolution (H. Res. 420) requesting Committee on the Judiciary to examine and report upon certain questions—to the Committee on Rules.

Also, a resolution (H. Res. 421) requesting certain information of Secretary of the Interior—to the Committee on Appropriations.

By Mr. STEVENS of Minnesota: Resolutions of the legislature of Minnesota, favoring the election of United States Senators by direct vote of people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By the SPEAKER: Resolutions of the legislature of Minnesota, favoring the election of United States Senators by direct vote of people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, memorial of legislature of Arizona, requesting consent to extend its present session—to the Committee on the Territories.

#### PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. HENRY of Mississippi: A bill (H. R. 14230) granting an increase of pension to Mrs. Marion Dickson—to the Committee on Pensions.

By Mr. RIXEY: A bill (H. R. 14231) for the relief of the legal representatives of Eliza C. Wrenn—to the Committee on War Claims.

By Mr. RUPPERT: A bill (H. R. 14232) to correct the naval record of and grant an honorable discharge to Joseph Shea—to the Committee on Naval Affairs.

By Mr. GIBSON: A bill (H. R. 14234) granting an increase of pension to Morgan T. Burkhart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14235) granting an increase of pension to Samuel L. Butcher—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. COCHRANE of New York: Petition of Woman's Home Missionary Society of the First Presbyterian Church of Hudson, N. Y., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. ESCH: Resolution of Grand Rail Lodge, No. 168, Brotherhood of Locomotive Firemen, La Crosse, Wis., advocating the holding of public lands in the West for the benefit of the people—to the Committee on the Public Lands.

By Mr. FITZGERALD of New York: Resolutions of the Omaha (Nebr.) Commercial Club, for the reclamation of arid lands—to the Committee on Irrigation of Arid Lands.

Also, resolutions of the United Retail Grocers' Association of Brooklyn, N. Y., urging a sufficient appropriation to maintain and extend the postal tubular system in the city of New York—to the Committee on the Post-Office and Post-Roads.

By Mr. GAINES: Petition of J. B. Richardson and 12 other citizens of Nashville, Tenn., for the construction of a bridge over Cumberland River connecting Broad street and Shelby avenue, Nashville, Tenn.—to the Committee on Interstate and Foreign Commerce.

By Mr. GIBSON: Petition of Julia M. Turner and Margaret E. Hodge, favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

Also, resolutions of Marion Roberts Post, No. 41, and George W. Graham Post, No. 38, Department of Virginia and North Carolina, G. A. R., indorsing the joint resolution introduced by Senator Pritchard in relation to pensions—to the Committee on Pensions.

By Mr. GILLETT of Massachusetts: Resolutions of the West Division, Chicago Christian Endeavor Union, and petitions of 6 citizens of Fonda, Iowa; Woman's Christian Temperance Union of Attleboro, Mass., and 48 citizens of Massachusetts, urging the passage of House bill No. 12551, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. GREENE of Massachusetts: Petition of Woman's Christian Temperance Union of Fall River, Mass., favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. LONG: Petitions of S. S. Clark and 35 citizens of Caldwell and Rudolph Hatfield and 19 citizens of Wichita, Kans., praying for the passage of a bill providing for a live water supply for irrigation purposes for the Papago and Pima Indians of Arizona—to the Committee on Indian Affairs.

By Mr. MIERS of Indiana: Affidavits to accompany House bill No. 11118 for the relief of Charles R. Van Trees—to the Committee on Military Affairs.

Also, paper to accompany House bill granting a pension to Mary G. Edmondson, widow of C. D. Giles—to the Committee on Invalid Pensions.

By Mr. MOON: Petition of Ladies' Foreign Missionary Society of Chattanooga, Tenn., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, resolutions of the Chamber of Commerce of Chattanooga, Tenn., in relation to private parties interfering with the free, uninterrupted navigation of Tennessee River—to the Committee on Rivers and Harbors.

By Mr. RICHARDSON of Alabama: Resolutions of Huntsville Post, No. 3, Department of Alabama, Grand Army of the Republic, and petition of officers and soldiers of the Federal Army of the civil war, to establish a home for disabled Federal and Confederate soldiers at Huntsville, Ala.—to the Committee on Military Affairs.

By Mr. ROBB: Petition of citizens of Ste. Genevieve, Licking, and Bonne Terre, Mo., favoring the repeal of stamp tax on checks and drafts and reduction of tax on banking capital—to the Committee on Ways and Means.

By Mr. ROBINSON of Indiana: Petition of Charles Neireiter, of Fort Wayne, Ind., advocating the holding of public lands in the West for the benefit of the people—to the Committee on the Public Lands.

By Mr. RUPPERT: Resolutions of New York Mercantile Exchange, United Retail Grocers' Association of the borough of Brooklyn, N. Y., and of the Manufacturers' Association of New York, urging a sufficient appropriation to maintain and extend the postal tubular system in the city of New York—to the Committee on the Post-Office and Post-Roads.

By Mr. SHACKLEFORD: Petition of citizens of Russellville, Mo., favoring the repeal of the tax on bank capital and stamp tax on checks, drafts, etc.—to the Committee on Ways and Means.

By Mr. SPERRY: Petitions of citizens of North Haven and Cheshire, Conn., favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Insular Affairs.

By Mr. STEVENS of Minnesota: Resolutions of the Chamber of Commerce of St. Paul, Minn., for the repeal of the stamp tax on checks, etc.—to the Committee on Ways and Means.

By Mr. SULZER: Petitions of Fairchild Bros. & Foster and Hall & Ruckel, of New York, for the repeal of the tax under Schedule B of the war-revenue act—to the Committee on Ways and Means.

Also, resolutions of the Commercial Club of Omaha, Nebr., favoring appropriations for surveys, dams, and canals throughout the great West—to the Committee on Irrigation of Arid Lands.



Also, resolutions of Brotherhood of Locomotive Firemen of Greater New York, advocating the holding of public lands in the West for the benefit of the people—to the Committee on the Public Lands.

Also, petition of John C. Scales, of Washington, D. C., for the repeal of stamp tax on checks, drafts, etc.—to the Committee on Ways and Means.

Also, resolutions of the Board of Trade and Transportation of New York, to deepen channels and approaches of New York Bay—to the Committee on Rivers and Harbors.

Also, resolutions of the Retail Grocers Association of New York, urging a sufficient appropriation to maintain and extend the postal tubular system in the city of New York—to the Committee on the Post-Office and Post-Roads.

By Mr. WADSWORTH: Petition of Woman's Christian Temperance Union of Wyoming County, N. Y., favoring the passage of the Gillett and Littlefield bills for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

## SENATE.

TUESDAY, February 19, 1901.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

## ENROLLED BILLS SIGNED.

The PRESIDENT pro tempore announced his signature to the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

A bill (H. R. 331) for the relief of legal representative of Samuel Tewksbury, deceased;

A bill (H. R. 3206) to correct the military record of Thomas Dunn;

A bill (H. R. 3599) for the relief of Lewis M. Millard;

A bill (H. R. 5324) for the relief of the employees of William M. Jacobs;

A bill (H. R. 8474) to remove the charge of desertion from the military record of Gustavus Adolphus Thompson;

A bill (H. R. 10700) to confirm a lease with Seneca Nation of Indians;

A bill (H. R. 11786) to declare a branch of the Mississippi River opposite the city of La Crosse, Wis., and known as West Channel, to be unnavigable, and that the said city be relieved of necessity of maintaining a draw or pontoon bridge over said West Channel;

A bill (H. R. 13633) to amend section 4472 of the Revised Statutes so as to permit the transportation by steam vessels of gasoline and other products of petroleum when carried by motor vehicles (commonly known as automobiles) when used as source of motive power; and

A bill (H. R. 13706) regulating assessments for water mains in the District of Columbia.

## COURT OF JUSTICE, PONCE, P. R.

The PRESIDENT pro tempore laid before the Senate a communication from the court of justice of the district of Ponce, transmitting a demonstrative statement of the work done by that court since August 20, 1899; which, with the accompanying papers, was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 13067) to enlarge the powers of the courts of the District of Columbia in cases involving delinquent children, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BABCOCK, Mr. JENKINS, and Mr. MEYER of Louisiana managers at conference on the part of the House.

The message also announced that the House had agreed to the concurrent resolution of the Senate requesting the President to return to the Senate the bill (S. 1203) granting an increase of pension to Lewis S. Horsey.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 11789) amending an act entitled "An act authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county," approved March 3, A. D. 1897; and

A bill (H. R. 12001) to supplement existing laws relating to the disposition of lands, etc.

## ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

A bill (H. R. 365) granting a pension to Aries Butcher;

A bill (H. R. 551) granting an increase of pension to Frank F. Carnduff;

A bill (H. R. 601) granting an increase of pension to Daniel W. Shaw;

A bill (H. R. 633) granting an increase of pension to Vianna Mallard;

A bill (H. R. 1148) granting an increase of pension to Isaac D. Toll;

A bill (H. R. 1235) granting an increase of pension to Chamness S. Burks;

A bill (H. R. 1889) for the relief of the trustees of Holston Seminary, at Newmarket, Tenn.;

A bill (H. R. 2085) granting a pension to Jane A. E. Womack;

A bill (H. R. 2396) granting an increase of pension to Francis H. Pike;

A bill (H. R. 2464) to remove the charge of desertion from the military record of Nicholas Swingle;

A bill (H. R. 2595) granting an increase of pension to William C. Griffin;

A bill (H. R. 3078) granting an increase of pension to Amanda W. Clancy;

A bill (H. R. 3232) granting an increase of pension to David Flinn;

A bill (H. R. 3247) granting an increase of pension to George Mowry;

A bill (H. R. 3376) for the relief of Franklin Lee and Charles F. Dunbar;

A bill (H. R. 3466) granting a pension to Hiram Stimple;

A bill (H. R. 3546) granting a pension to Caroline M. H. Searing;

A bill (H. R. 3871) granting a pension to William J. Worthington;

A bill (H. R. 3945) granting an increase of pension to Burdette N. Cleaveland;

A bill (H. R. 3949) granting a pension to Minnie Gray;

A bill (H. R. 4068) granting an increase of pension to Maria N. Flint;

A bill (H. R. 4078) granting an increase of pension to John D. Allen;

A bill (H. R. 4357) granting a pension to Jakobina Halbertsma;

A bill (H. R. 4672) granting a pension to James W. Boden;

A bill (H. R. 4813) granting a pension to Taylor Hux;

A bill (H. R. 4906) granting a pension to Ellen Quinn;

A bill (H. R. 4963) granting an increase of pension to Charles E. Churchill;

A bill (H. R. 5195) granting an increase of pension to Jacob W. Kouts;

A bill (H. R. 5198) granting an increase of pension to Samuel S. Stafford;

A bill (H. R. 5224) granting an increase of pension to Daniel Smith;

A bill (H. R. 5303) granting a pension to Julia A. Prouty;

A bill (H. R. 5336) granting an increase of pension to William S. Swaney;

A bill (H. R. 5441) granting an increase of pension to Hugh Thompson;

A bill (H. R. 5524) granting an increase of pension to Richard P. Mitchell;

A bill (H. R. 5599) granting an honorable discharge to James L. Proctor;

A bill (H. R. 5613) granting an increase of pension to Louis Nessell;

A bill (H. R. 5614) granting a pension to Virginia R. Friedeborn;

A bill (H. R. 5874) to pay H. P. Dyer for carrying mail;

A bill (H. R. 6145) granting a pension to Benoni A. McConnell;

A bill (H. R. 6148) granting an increase of pension to William M. Tom;

A bill (H. R. 6319) granting an increase of pension to George W. Cox, alias John Smith;

A bill (H. R. 6407) granting an increase of pension to Michael S. Brockett;

A bill (H. R. 6552) granting an increase of pension to Abram P. Pew;

A bill (H. R. 6787) granting an increase of pension to Edwin A. Wilson;

A bill (H. R. 6914) granting an increase of pension to Elliott Loomis;

A bill (H. R. 6921) granting an increase of pension to Gustav Rienecker;

A bill (H. R. 6997) granting an increase of pension to Josephine H. Whitehead;

A bill (H. R. 7243) to remove the charge of desertion from the military record of Silas Nicholson;